



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

WEB COPY

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No.15774/2201

R.Varadhan

...Petitioner

Versus

1. Tamil Nadu State Transport Corporation
[Villupuram] Ltd., rep.by its
Managing Director,
3/137, Salamedu,
Valudhareddy Post
Villupuram-605 602.
2. Tamil Nadu State Transport Corporation
[Villupuram] Ltd., rep.by its
General Manager
Kancheepuram Regional Office
Karapettai, Chennai Bengaluru Highway
Kancheepuram 631552.
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Trust
Pallavan Salai, Chennai 600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to pay interest amounts to the Provident Fund, Service Gratuity, Commutation of Pension amount and Leave salary at the rate of 4% per annum for 13 months of delayed payment in accordance with the order dated 12.06.2015 of the Division Bench of this Court made in WA.[MD] Nos.383 to 457/2015 and as adopted in the order dated 24.03.2021 in WP.No.506/2021 by considering and passing orders on his representation dated 30.06.2021.

For Petitioner : Mr.N.Ishak
For Respondents : Mr.C.S.K.Sathish
Standing Counsel

ORDER

- (1) By consent, the writ petition is taken up for final disposal and disposed of by this order.



(2) Mr.C.S.K.Sathish, learned Standing counsel accepts notice on behalf of the respondents.

(3) The writ petition is filed by the relieved employee of the respondents-Transport Corporation for issuance of a writ of mandamus directing the respondents to pay interest amounts to the Provident Fund, Service Gratuity, Commutation of Pension amount and Leave salary at the rate of 4% per annum for 13 months of delayed payment in accordance with the order dated 12.06.2015 of the Division Bench of this Court made in WA.[MD] Nos.383 to 457/2015 and as adopted in the order dated 24.03.2021 in WP.No.506/2021 by considering and passing orders on his representation dated 30.06.2021.

(4) In similar cases, this Court has recently reduced interest at 4% per annum for the delayed payment. It is admitted that the petitioner is entitled to terminal benefits and there was delay in settlement of terminal benefits namely Provident Fund, Service Gratuity, Commutation of Pension and Leave Salary and hence, prayed for payment of interest for the delayed payment. This Court uniformly has recognised the petitioner's entitlement to interest. Though interest @ 6% was granted earlier, the Courts have subsequently reduced the rate of interest from 6% to 4% considering the difficulties of the Transport Corporation during Covid Pandemic.

(5) This Court is inclined to dispose of these writ petition with the following direction:

The respondents / Transport Corporation is directed to pay interest @ 4% per annum for the delayed payment of Provident Fund and Gratuity. The amount calculated towards interest should be paid in six monthly instalments commencing from 01.09.2021. In case of any further delay in paying instalments within the time stipulated by this order, the interest payable will be @ 6% for the delayed payment. If there is any dispute with regard to quantum, the parties are at liberty to workout their remedy independently and if there is a delay in payment beyond one year, then the petitioner is liberty to approach this Court for higher rate of interest.

(6) Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



AP

To

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1. Managing Director,
Tamil Nadu State Transport Corporation
[Villupuram] Ltd., Valudhareddy Post
Villupuram-605 602.
2. The General Manager
Tamil Nadu State Transport Corporation
[Villupuram] Ltd.,
Kancheepuram Regional Office
Karapettai, Chennai Bengaluru Highway
Kancheepuram 631552.
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Trust
Pallavan Salai, Chennai 600 002.

+1 CC to Mr.N.Ishak, Advocate, Sr.No. 36783.

+1 CC to Mr.C.S.K.Sathish, Advocate, Sr.No. 36678.

W.P. No.15774/2021

NMI (CO)
LS (25/08/2021)