



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.NOS.16089, 16091, 16093, 16094, 16096
& 16097 OF 2021

[Video Conferencing]

B.Muruganandham	... Petitioner in W.P.No.16089/2021
E.G.Rajendiran	... Petitioner in W.P.No.16091/2021
P.S.Sekar	... Petitioner in W.P.No.16093/2021
R.Nithiyanandam	... Petitioner in W.P.No.16094/2021
R.Sampath	... Petitioner in W.P.No.16096/2021
G.Rajendran	... Petitioner in W.P.No.16097/2021

.Vs.

1. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep by its Managing Director,
3/137, Salamedu,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram,
Vellore - 632 009.

... Respondents in
all W.Ps.



COMMON PRAYER:-

These Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 6% per annum for the belated payment of the petitioner gratuity, earned leave salary and PF, within a specified time as may be fixed by this Court, Award costs.

For Petitioners : Mr.V.Ajoy Khose
in all W.Ps

For Respondents : Mr.C.S.K.Sathish
in all W.Ps Standing Counsel

ORDER

1. With the consent of both parties, these Writ Petitions were taken up for final disposal at the admission stage itself.

2. Mr.C.S.K.Sathish, learned Standing Counsel for Transport Corporation takes notice for the respondents.

3. The petitioners herein, who retired from the services of the Respondents Corporation on reaching the age of superannuation, have come up with the above Writ Petitions, seeking a direction to the Respondents to pay interest at 6% per annum for the belated payment of the petitioners Gratuity, Earned Leave Salary, Provident Fund and other benefits for the period from the date of retirement of the petitioners till the date of their settlement, by following the judgement dated 12.06.2015 passed in W.A.(MD) Nos.383 to 457 of 2015, order dated 13.07.2018 made in C.M.P.No.6352 of 2018 in W.A.No.665 of 2018 and the order dated 19.01.2021 made in W.P.No.15886 of 2020.

4. Heard the learned counsel on either side and perused the materials/documents available on record.

5. It is well settled in very many cases that the employee is entitled to interest for the belated payment of his retiral benefits. A Division Bench of this Court in Government of Tamil Nadu, rep. by its Secretary to Government, Revenue Department vs. M.Deivasigamani [2009 (3) MLJ 01] has held that the employee is entitled to interest on belated payment of pension and other retiral benefits, even in the absence of statutory rules/administrative instructions or guidelines and that he can claim interest under Part III of the Constitution, relying on Articles 14, 19 and 21 of the Constitution.



6. In a similar circumstance, the First Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015 on 12.06.2015, directed the respondent/Transport Corporation to settle the terminal benefits of its employees in equal monthly instalments and to pay 6% interest on the terminal benefits payable to the workman. It has also held that the workman is entitled to 18% interest for the defaulted period of instalments.

7. Following the above judgements, a learned Single Judge of this Court in W.P.No.15886 of 2020 on 19.01.2021, directed the respondent/Transport Corporation to pay interest @ 6% per annum, for the belated payment of gratuity and other retiral benefits.

8. Considering the facts and circumstances of the case and also considering the period of delay, this Court is inclined to grant interest @ 4% per annum, for the belated payment of Gratuity, Earned Leave Salary and Provident Fund that are yet to be settled, in four equal monthly instalments, commencing from 01.10.2021. In case of delay in making instalments within the time stipulated time supra, the interest payable could be 10% for the delayed period to be recovered from the Officer responsible for disbursement of the amount.

9. It is made clear that the aforesaid direction to pay interest would not preclude the petitioners/workman to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, they are entitled to receive. Likewise, if the petitioners have any grievance that they are entitled to interest for the amount already settled, they can agitate the same as per law, if they are entitled.

10. The Writ Petition is disposed of with the above observations and directions. No costs.

Sd/-

Assistant Registrar(CS IX)

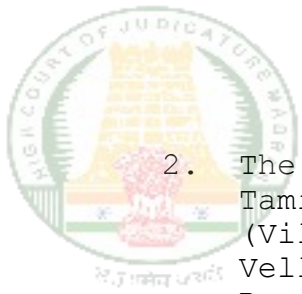
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Sub Assistant Registrar

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To:

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram - 605 602.



2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vellore Region,
Rangapuram,
Vellore - 632 009.

+6ccs to Mr.V.Ajoy Khose, Advocate, S.R.Nos.37512 to 31517
+6ccs to Mr.C.S.K.Sathish, Advocate, S.R.Nos.37934 to 37939

W.P.NOS.16089, 16091, 16093, 16094,
16096 & 16097 OF 2021

NR(CO)
PBS/25/08/2021