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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.17178 of 2021

(Through Video Conferencing)

K.Lakshmanan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Ramakrishna Salai, Salem - 636 007.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to disburse the payments relating to Social Welfare Scheme amount, ERBS Pension amount, 12th Wage Settlement arrear, 7 days Salary and IRT Share amount and all other retirement benefits along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.06.2017 within the stipulated time as fixed by this Court.

For Petitioner : Mr.N.Desinghu

For Respondents: Mr.D.Raghu

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to disburse the payments relating to Social Welfare Scheme amount, ERBS Pension amount, 12th Wage Settlement arrear, 7 days Salary and IRT Share amount and all other retirement benefits along with the entitled difference of dearness allowances also together with interest at 12% per annum with effect from 01.06.2017 in terms of the decision of the First Bench of the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015.



2. The First Bench of the Madurai Bench of this Court, in the above case, has directed the State Transport Corporation to settle the terminal benefits of its employees in 12 equal monthly installments and to pay interest at the rate of 6% on the terminal benefits payable to the workman. The First Bench of the Madurai Bench of this Court has also held that workman is entitled to 18% interest for the defaulted period of installments.

3. It is noticed that though the above observation of the First Bench of the Madurai Bench of this Court was followed by a learned Single Judge in W.P.No.15886 of 2020 vide order dated 19.01.2021, the learned Single Judge has subsequently modified the views in W.P.No.506 of 2021 vide order dated 24.03.2021 considering the constraints of the State Finance due to the outbreak of Covid-19 with the following directions:-

"(i) Respondent/Transport Corporation is directed to pay interest @ 4% per annum to the Petitioner for the belated payment of gratuity, leave salary and communication of pension amount that are yet to be settled, in six equal monthly instalments, commencing 01.04.2021.

(ii) In case of delay in making instalments within the time stipulated supra, with reference to the judgment of the Division Bench of this Court (supra), interest payable for the period of delay shall be at 6% per annum."

4. Considering the same, this Writ Petition is disposed by directing the respondents to consider the representation dated 29.07.2021 of the petitioner and to disburse Social Welfare Scheme amount, ERBS Pension amount, 12th Wage Settlement arrear, 7 days Salary and IRT Share amount and all other retirement benefits along with the entitled difference of dearness allowances if not paid to the petitioner and pay interest at the rate of 4% per annum for the belated payment of all legal dues to the petitioner in six equated monthly instalments commencing from 1st November, 2021. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



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To

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1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Ramakrishna Salai, Salem - 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

W.P.No.17178 of 2021

gj[col
srg 25/10/2021