



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NOS.17841 & 17843 OF 2021

(THROUGH VIDEO CONFERENCING)

M.Ganapathy

... Petitioner in
W.P.No.17841 of 2021

S.Rajan

... Petitioner in
W.P.No.17843 of 2021

Vs

1. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Salai,
No.2, Anna Salai, Chennai - 600 002.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
No.2, Pallavan Salai,
Chennai - 600 002.

... Respondents in both W.Ps

Common Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to pay 10% interest towards the belated payment of terminal benefits such as Gratuity amount, Employees Provident Fund and Earned Leave encashment amount with interest and the 2nd respondent to pay Pension Commutation amount with interest till the payment is to be made to the petitioner.

For Petitioners : Mr.S.T.Varadarajulu
(In both W.Ps)

For Respondents : Mr.K.Moorthy
(In both W.Ps)



COMMON ORDER

Though these writ petitions have been filed for a Mandamus, to direct the 1st respondent to pay the petitioners interest at the rate of 10% per annum for the belated payment of the petitioners Gratuity amount, Employees Provident Fund and Earned Leave encashment amount with interest and the 2nd respondent to pay Pension Commutation amount with interest, in terms of the decision of this Court in W.P.No.15886 of 2020 vide order dated 19.01.2021, it is noticed that this view has been subsequently modified in W.P.No.506 of 2021 vide order dated 24.03.2021 considering the constraints of the State Finance due out break of Covid-19 Pandemic with the following observations:-

"(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."

2. In view of the same, I am inclined to dispose these writ petitions by directing the respondents to pay interest at the rate of 4% per annum to the petitioners for the belated payment of Gratuity amount, Employees Provident Fund etc., within a period of six months in six equated monthly instalments. These Writ Petitions stand disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Salai,
No.2, Anna Salai, Chennai - 600 002.



2. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
No.2, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.43218
+2cc to Mr.K.Moorthy, Advocate, S.R.No. 42852, 42853

W.P.Nos.17841 & 17843 of 2021

AJS (CO)
CS/12/10/2021