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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.17213 OF 2021

(Through Video Conferencing)

K.Damodharan

... Petitioner

.Vs.

1. The Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Represented 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.
3. The Tamil Nadu State Transport Corporation Employees' Pension Fund Trust,
Represented by its Administrator,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue 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 and commuted value of pension.

For Petitioner : Ms.H.Nandhini

For Respondents : Mr.C.S.K.Sathish
Standing Counsel



ORDER

Though this writ petition has been filed for a Mandamus, to direct the respondents to pay the petitioner interest at the rate of 6% per annum for the belated payment of the petitioner gratuity and commuted value of pension, 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. Considering the same, this Writ Petition is disposed by directing the respondents to pay interest at the rate of 4% per annum to the petitioner for the belated payment of gratuity, leave salary et cetera within a period of six months in six equated monthly instalments.

3. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

arb

To

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



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

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.42406

+1cc to the Government Pleader, S.R.No.42394

W.P.No.17213 of 2021

PMK (CO)
PBS/21/09/2021