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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.17660 of 2021

(Through Video Conferencing)

1.P.Arasu

2.C.Dhanapal

3.V.Balasubramanian

4.N.Anbumoorthy

... Petitioners

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Erode Region, Erode,
Chennimalai Road,
Erode - 638 001.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Represented by its Administrator,
Thiruvalluvar House, Anna 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 interest for the belated payment of Provident Fund, Gratuity, Encashment of Earned Leave and Commuted Value of Pension, at the rate of 12% per annum.

For Petitioners : Ms.G.V.Garmukil

For Respondents : Mr.Arun for
Mr.A.Sundaravadhanam



ORDER

Though this writ petition has been filed for a Mandamus, to direct the respondents to pay the petitioner's interest at the rate of 12% per annum for the belated payment of the petitioner's Provident Fund, Gratuity, Encashment of Earned Leave 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 Provident Fund, Gratuity, Encashment of Earned Leave 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-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore.



2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Erode Region, Erode,
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3.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Represented by its Administrator,
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+4cc to Mr.N.Senthilkumar, Advocate, S.R.No.42601

W.P.No.17660 of 2021

SV I(CO)
GN(11/10/2021)