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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.17702 of 2021

and

W.M.P.No.18866 of 2021

(Through Video Conferencing)

- 1.M.Elumalai
- 2.S.Mariammal
- 3.K.Sundaramurthy
- 4.N.Nagoor
- 5.S.Sambath
- 6.V.Ambikapathi
- 7.L.Shanthi
- 8.S.Raja
- 9.S.Ganesan
- 10.C.Pushparaj

...Petitioners

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam,
Mount Road, Pallavan Salai,
Chennai - 600 002.
3. General Manager,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam,
Mount Road, Pallavan Salai,
Chennai - 600 002.
4. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
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 settle the interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Commutation of Pension and Provident Fund payable to the petitioners and also to settle the Social Welfare Fund and Institute of Road and Transport Technology (IRTT) Fund with 18% rate of interest.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents :
For R1 : Mr.L.S.M.Hasan Fizal
Government Advocate
For R2 & R3 : Mr.K.Moorthy
For R4 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

Though this writ petition has been filed for a Mandamus, to direct the respondents to settle interest at the rate of 18% per annum for the belated payment of the petitioner Gratuity, Earned Leave, Commutation of Pension, Provident Fund, Social Welfare Fund and Institute of Road and Transport Technology (IRTT) Fund, 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, Earned Leave, Commutation of Pension 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. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VII)

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//True Copy//

Sub Assistant Registrar

arb

To

1. The Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam,
Mount Road, Pallavan Salai,
Chennai - 600 002.
3. General Manager,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam,
Mount Road, Pallavan Salai,
Chennai - 600 002.
4. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.N.Sudhagar Nagaraj, Advocate, S.R.No.42711

+1cc to the Government Pleader, S.R.No.43096

W.P.No.17702 of 2021
and
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AK II (CO)
KKV/09/09/2021