



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18240 of 2021

(Through Video Conferencing)

T.Kamaraj

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vazhuthareddy,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kanchipuram Division,
Karaipettai, Kanchipuram - 631 552.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
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 respondent to pay the interest amount for Rs.11,98,307/- for the petitioner's delayed payment of Gratuity amount, Commutation amount and Encashment of Leave amount with 6% interest per annum till the date of payment and also the petitioner's 11 days salary for the period of 21.07.2019 to 31.07.2019, as per the petitioner's representation dated 12.04.2021.

For Petitioners
(In both W.Ps)

: Mr.R.Anbalagan

For Respondents
(In both W.Ps)

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



COMMON ORDER

Though these writ petitions have been filed for a Mandamus, to direct the to pay the interest amount for Rs.11,98,307/- for the petitioner's delayed payment of Gratuity amount, Commutation amount and Encashment of Leave amount with 6% interest per annum till the date of payment and also the petitioner's 11 days salary for the period of 21.07.2019 to 31.07.2019, 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 delayed payment of Gratuity amount, Commutation amount 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 IX)

//True Copy//

Sub Assistant Registrar

jas



To

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

2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kanchipuram Division,
Karaipettai, Kanchipuram - 631 552.

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

+1CC to Mr.R.Anbalagan, Advocate, Sr.No.44339

W.P.Nos.18240 of 2021

RLD (CO)
K.RK. (05.10.2021)