



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.18307, 18309, 18311, 18312, 18314, 18315,
18316, 18318, 18320 & 18321 of 2021

(Through Video Conferencing)

M.Thangavelu	...	Petitioner in W.P.No.18307 of 2021
C.Elango	...	Petitioner in W.P.No.18309 of 2021
A.Venkatachalam	...	Petitioner in W.P.No.18311 of 2021
M.Muthusamy	...	Petitioner in W.P.No.18312 of 2021
N.Santhakumar	...	Petitioner in W.P.No.18314 of 2021
P.Selvaraj	...	Petitioner in W.P.No.18315 of 2021
S.Devarajan	...	Petitioner in W.P.No.18316 of 2021
S.Ravi	...	Petitioner in W.P.No.18318 of 2021
K.Selvaraj	...	Petitioner in W.P.No.18320 of 2021
R.Selvaraj	...	Petitioner in W.P.No.18321 of 2021

Vs

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Represented by its Managing Director,
Coimbatore. ...Respondent in all WPs.

Prayer in WP.No.18307 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest to the Petitioner at the rate of 18% per annum, for the period of delay from 01.06.2018 to 20.09.2019, in paying the amounts paid towards his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves,



within a time frame as may be fixed by this Hon'ble Court and without affecting his right to claim balance amounts towards those benefits.

Prayer in WP.Nos.18309, 18316 & 18320 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest to the Petitioner at the rate of 18% per annum, for the period of delay from 01.06.2019 to 24.01.2021, in paying the amounts paid towards his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves, within a time frame as may be fixed by this Hon'ble Court and without affecting his right to claim balance amounts towards those benefits.

Prayer in WP.No.18311 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest to the Petitioner at the rate of 18% per annum, for the period of delay from 01.05.2020 to 01.06.2021, in paying the amounts paid towards his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves, within a time frame as may be fixed by this Hon'ble Court and without affecting his right to claim balance amounts towards those benefits.

Prayer in WP.Nos.18312 & 18321 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest to the Petitioner at the rate of 18% per annum, for the period of delay from 01.07.2018 to 20.09.2019, in paying the amounts paid towards his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves, within a time frame as may be fixed by this Hon'ble Court and without affecting his right to claim balance amounts towards those benefits.

Prayer in WP.No.18314 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest to the Petitioner at the rate of 18% per annum, for the period of delay from 01.05.2019 to 24.01.2021, in paying the amounts paid towards his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves, within a time frame as may be fixed by this Hon'ble Court and without affecting his right to claim balance amounts towards those benefits.

Prayer in WP.No.18315 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus,



directing the respondent to pay the petitioner interest to the Petitioner at the rate of 18% per annum, for the period of delay from 01.05.2018 to 20.09.2019, in paying the amounts paid towards his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves, within a time frame as may be fixed by this Hon'ble Court and without affecting his right to claim balance amounts towards those benefits.

Prayer in WP.No.18318 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest to the Petitioner at the rate of 18% per annum, for the period of delay from 01.12.2018 to 20.09.2019, in paying the amounts paid towards his terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves, within a time frame as may be fixed by this Hon'ble Court and without affecting his right to claim balance amounts towards those benefits.

For Petitioners : Mr.V.Ajoy Khose
(In all W.Ps)

For Respondents : Mr.A.Sundaravadhanan
(In all W.Ps) Standing Counsel

COMMON ORDER

These writ petitions have been filed for a Mandamus, to direct the respondents to pay the petitioners interest at the rate of 18% per annum for the belated payment of the petitioners namely EPF Employee's Contribution, Gratuity and Earned leave salary 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 period of delay from 01.07.2019 to 24.01.2021 of the petitioners EPF Employee's Contribution, Gratuity, Earned leave salary etc, within a period of six months in six equated monthly instalments.

3. These Writ Petitions stand disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

drl

To

The Managing Director,
The Management of Tamil Nadu State
Transport Corporation (Kovai) Ltd.,
Coimbatore.

+10CCs to Mr.V.Ajoy Khose, Advocate, Sr.Nos.44054, 44053, 44052, 44051, 44050, 44046, 44045, 44044, 44043, 44042 dated.02.09.2021

W.P.Nos.18307, 18309, 18311, 18312,
18314, 18315, 18316, 18318,
18320 & 18321 of 2021

PM (CO)
K.RK. (23.09.2021)