



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NOS.18406, 18408, 18415, 18416 & 18417 OF 2021
(THROUGH VIDEO CONFERENCING)

1.P.Balan	... Petitioner in W.P.No.18406 of 2021
2.N.Arumugam	... Petitioner in W.P.No.18408 of 2021
3.C.Baladhandapani	... Petitioner in W.P.No.18415 of 2021
4.D.Vadivel	... Petitioner in W.P.No.18416 of 2021
5.D.Mahalingam	... Petitioner in W.P.No.18417 of 2021

Vs

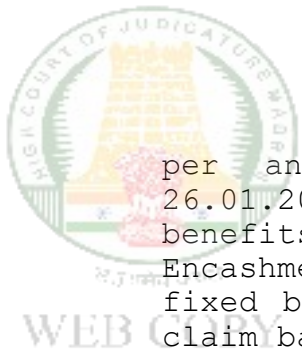
The Management of Tamilnadu State Transport Corporation (Kovai) Ltd., Represented by its Managing Director, Coimbatore.	... Respondent in all W.Ps
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Prayer in W.P.No.18406 of 2021:

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 W.P.No.18408 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 26.01.2021, 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 W.P.No.18415 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 W.P.No.18416 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 W.P.No.18417 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.

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

For Respondent : Mr.A.Sundaravadhanam
(In all W.Ps) Standing Counsel



COMMON ORDER

Though these writ petitions have been filed for a Mandamus, to direct the respondent to pay the petitioners interest at the rate of 18% per annum for the belated payment of the petitioners EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves, 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 respondent to pay interest at the rate of 4% per annum to the petitioners for the belated payment of EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves 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

arb



To

The Managing Director,
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Coimbatore.

WEB COPY

+5ccs to Mr.V.Ajoy Khose, Advocate, S.R.No.44644 TO 44648

W.P.Nos.18406, 18408, 18415,
18416 & 18417 of 2021

GSM(CO)
CS/24/09/2021