



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.18272, 18274, 18279, 18284, 18288, 18337,  
18339, 18343, 18345 & 18350 of 2021

(Through Video Conferencing)

In WP.Nos.18272 & 18274 of 2021

M.Palanisamy

... Petitioner in  
W.P.No.18272 of 2021

R.Erudayaraj

... Petitioner in  
W.P.No.18274 of 2021

Vs

The Management of  
Tamil Nadu State Transport Corporation (Kovai) Ltd.,  
Erode Region,  
Represented by its Managing Director,  
Erode.

... Respondent in  
WP.Nos.18272 & 18274/2021

In WP.Nos.18279, 18284, 18288, 18337, 18339,  
18343, 18345 & 18350 of 2021

P.Mathappan

... Petitioner in W.P.No.18279 of 2021

M.Subramani

... Petitioner in W.P.No.18284 of 2021

K.Venkatachalam

... Petitioner in W.P.No.18288 of 2021

R.Shanmugasundaram

... Petitioner in W.P.No.18337 of 2021

M.Selvan

... Petitioner in W.P.No.18339 of 2021

R.Udayakumaran

... Petitioner in W.P.No.18343 of 2021

C.Chandrasekaran

... Petitioner in W.P.No.18345 of 2021

K.Palanisamy

... Petitioner in W.P.No.18350 of 2021



Vs

1. The Management of  
Tamil Nadu State Transport Corporation (Kovai) Ltd.,  
Erode Region,  
Represented by its Managing Director,  
Erode.

2. The Administrator,  
Tamil Nadu State Transport Employees'  
Pension Fund Trust,  
Thiruvalluvar Illam,  
Anna Salai, Chennai - 2.

... Respondents in WP.Nos.18279, 18284,18288,  
18337, 18339, 18343, 18345 and 18350 of 2021

Prayer in WP.Nos.18272 & 18274 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.07.2019 to 24.01.2021, in paying the amounts paid towards the terminal benefits of the petitioner 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.18279, 18284 and 18345 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner interest 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 the terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, 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.18288 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.03.2020 to 01.06.2021, in paying the amounts paid towards the terminal



and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, 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.18337 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.04.2020 to 01.06.2021, in paying the amounts paid towards the terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, 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.18339 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.02.2020 to 01.06.2021, in paying the amounts paid towards the terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, 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.18343 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.09.2018 to 20.09.2019, in paying the amounts paid towards the terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension, 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.18350 of 2021 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.07.2019 to 24.01.2021, in paying the amounts paid towards the terminal and Pension benefits of the petitioner EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves and



Commutated Value of Pension, 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.

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For Petitioners  
(In all W.Ps)

: Mr.V.Ajoy Khose

For Respondents  
(In all W.Ps)

: Mr.A.Sundaravadhanan  
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, earned leave salary and commutated 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. 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, commutated value of pension 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.

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Sd/-  
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

drl

To

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

2. The Administrator,  
Tamil Nadu State Transport Employees'  
Pension Fund Trust,  
Thiruvalluvar Illam,  
Anna Salai, Chennai - 2.

+10ccs to Mr.V.Ajoy Khose, Advocate, S.R.Nos.44055 &  
44062 to 44070

W.P.Nos.18272, 18274, 18279, 18284,  
18288, 18337, 18339, 18343,  
18345 & 18350 of 2021

SU(22/09/2021)