

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.18594 of 2021

and

W.M.P.No.19830 of 2021

(Through Video Conferencing)

1.G.Gunasekaran

2.M.A.Soundrarajan

... Petitioners

Vs

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Secretariat, Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Villupuram Division, Villupuram District.

3.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Vellore Region, Vellore District.

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, Medical Leave, Commutation of Pension, Provident Fund and other retirement benefits payable to the petitioners with 18% rate of interest.

For Petitioners : Mr.N.Sudhagar Nagaraj

For Respondents :

For R1 : Mr.L.S.M.Hasan Fizal
Government Advocate

For R2 & R4 : Mr.C.S.K.Sathish
Standing Counsel

For R3 : Mr.A.Sundaravadhanan
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 petitioners Gratuity, Earned Leave, Medical Leave, Commutation of Pension, Provident Fund and other retirement benefits, 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 petitioners for the belated payment of Gratuity, Earned Leave, Medical Leave etc., 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.

07.09.2021

Index: Yes/ No
Internet : Yes/No
Speaking/Non-speaking Order

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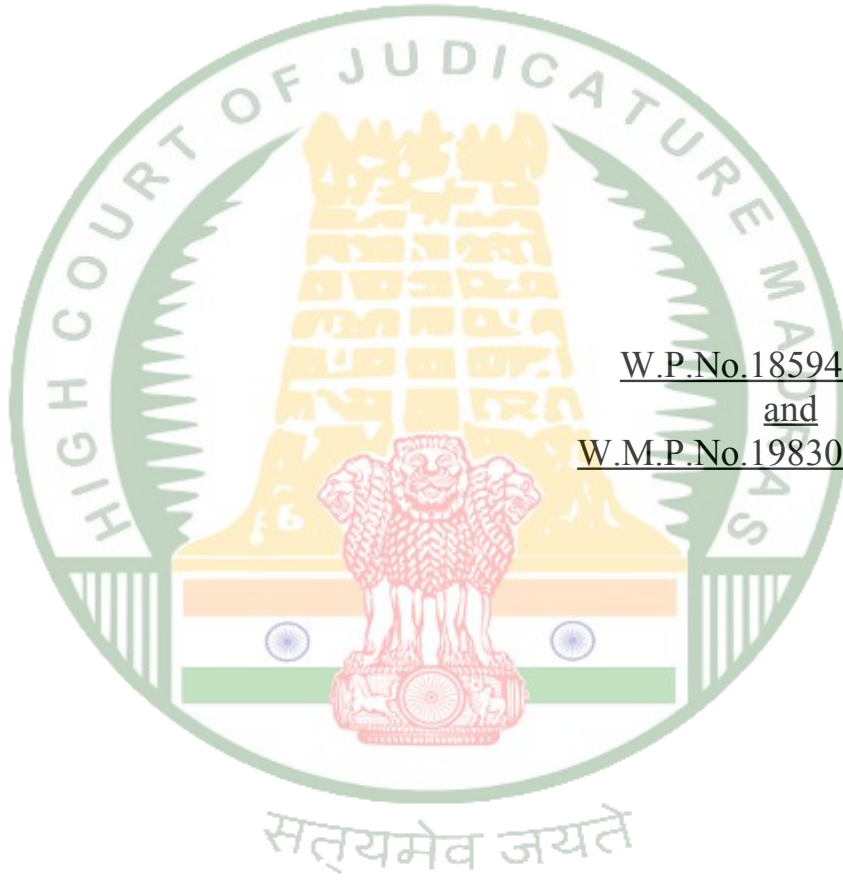
To

- 1.The Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Villupuram Division, Villupuram District.
- 3.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Vellore Region, Vellore District.
- 4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai – 600 002.

C.SARAVANAN,J.

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