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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.19250 OF 2021

(THROUGH VIDEO CONFERENCING)

1.K.Natarajan
2.A.Balaraman
3.P.Murugaiyah
4.Muthukrishnan
5.D.Senthamiz Koman
6.S.Anvar Sheriff
7.A.Sathiyanderan
8.Mooventhan
9.S.Manoharan
10.M.Selavaraj
11.A.Kaliyaperumal
12.E.Elangovan
13.Krishan
14.K.Ganesan
15.G.Kuppusamy
16.K.Murugesan
17.N.Natarajan
18.T.Selvam
19.T.Gunabalan
20.S.Viswanathan
21.S.Balakrishnan
22.D.Arunachalam
23.R.Mohan

... Petitioners

Vs

1. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram)Ltd,
3/137, Salamedu, Villupuram,
Villupuram District - 605 401.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai,
Chennai - 600002.

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay interest @ 10% for the belated payment of gratuity, Leave Salary, Employees Provident Fund and commutation of pension amount to the petitioners.

For Petitioners : Mr.S.T.Varadarajulu

For Respondents :

For R1 : Mr.G.Sarvana Kumar

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

ORDER

Though this writ petition has been filed for a Mandamus, to direct the respondents to pay interest at the rate of 10% per annum for the belated payment of the petitioners Gratuity, Leave Salary, Employees Provident Fund and Commutation 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. Considering the same, this Writ Petition is disposed by directing the respondents to pay interest at the rate of 4% per annum to the petitioner for the belated payment of Gratuity, Leave Salary, Employees Provident Fund and Commutation of Pension etcetra within a period of six months in six equated monthly instalments.



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3. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

arb/nst

To

1. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram)Ltd,
3/137, Salamedu, Villupuram,
Villupuram District - 605 401.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.46240

W.P.No.19250 of 2021

PMK(CO)
RLP(06/10/2021)