

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.18836, 18839, 18842, 18844, 18845,
18914, 18916, 18918, 18920 & 18922 of 2021

(Through Video Conferencing)

A.Rajendran	... Petitioner in W.P.18836 of 2021
A.Venkatachalam	... Petitioner in W.P.18839 of 2021
K.Kathirvelu	... Petitioner in W.P.18842 of 2021
K.Viswanathan	... Petitioner in W.P.18844 of 2021
M.Maruthaimuthu	... Petitioner in W.P.18845 of 2021
P.Selvaraj	... Petitioner in W.P.18914 of 2021
R.Dhanapal	... Petitioner in W.P.18916 of 2021
S.Nallusamy	... Petitioner in W.P.18918 of 2021
T.Selvaraj	... Petitioner in W.P.18920 of 2021
S.Sengodan	... Petitioner in W.P.18922 of 2021

Vs

1. Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Rep. by its Managing Director,
No.12, Ramakrishna Road,
Salem - 7.

2. The Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust
Rep by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

... Respondents

Common Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the Respondents to pay the petitioner interest at the rate of 6% per annum for the belated payment of his PF, gratuity, commuted value of pension and earned leave salary, to pay him wages towards 30 days of earned leaves surrendered by the petitioner, while he was in service; to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme, together with interest at the rate of 6% within a specified time.

For Petitioners : Mr.R.Krishnaswamy
(In all W.Ps)

For Respondent : Mr.D.Raghu
(In all W.Ps) Standing Counsel for R1
Mr.C.S.K.Sathish
Standing Counsel for R2

COMMON ORDER

Though these writ petitions have been filed for a Mandamus, to direct the respondents to pay the petitioner interest at the rate of 6% per annum for the belated payment of his PF, gratuity, commuted value of pension and earned leave salary, to pay their wages towards 30 days of earned leaves surrendered by the petitioner, while they were in service; to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit Scheme, together with interest at the rate of 6%, 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 belated payment of P.F, gratuity, commuted value of pension 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 VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 7.
2. The Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust
Rep by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+10CCs to Mr.D.Raghu, Advocate, Sr.No.45489
+1CC to Mr.V.Ajoy Khose, Advocate, Sr.No.45376

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AJS (CO)
K.RK. (05.10.2021)