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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.18925, 18927, 18928, 18930, 18931, 18932,
18937, 18938, 18939 & 18941 OF 2021

(Through Video Conferencing)

G.Rajendran (Staff No.FC0584)
... Petitioner in WP.No.18925 of 2021

G.Kumaresan (Staff No.FC0530)
... Petitioner in WP.No.18927 of 2021

I.Sundaram (Staff No.DR2590)
... Petitioner in WP.No.18928 of 2021

M.Gunasekaran (Staff No.FC0570)
... Petitioner in WP.No.18930 of 2021

P.Palanisami (Staff No.FC0590)
... Petitioner in WP.No.18931 of 2021

K.Ganesan (Staff No.CR2868)
... Petitioner in WP.No.18932 of 2021

S.Arumugam (Staff No.FI0129)
... Petitioner in WP.No.18937 of 2021

V.Selvam (Staff No.FC0539)
... Petitioner in WP.No.18938 of 2021

A.Christhuraj (Staff No.EG0025)
... Petitioner in WP.No.18939 of 2021

R.Anbukkarasu (Staff No.FC0610)
... Petitioner in WP.No.18941 of 2021

Vs

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



...1st Respondent in W.P.No.18925, 18927, 18928, 18930, 18931, 18932, 18937 to 18939 and 18941 OF 2021

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

...2nd Respondent in W.P.No.18925, 18927, 18928, 18930, 18931, 18932, 18937 to 18939 and 18941 OF 2021

(WP No.18925, 18927, 18928, 18930, 18931, 18932, 18937 to 18939 and 18941 of 2021)

Common Prayer : These Writ Petitions are 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 6% per annum for the belated payment of PF., gratuity, commuted value of pension and earned leave salary, to pay wages towards 30 days of earned leave surrendered by the petitioners, 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% within a specified time, as may be fixed by this Honourable Court, Award costs.

(In all WPs)

For Petitioners : Mr.R.Krishnaswamy

For Respondents : Mr.D.Raghu (for R1)

Standing Counsel

Mr.C.S.K.Sathish (for R2)

COMMON ORDER

Though these writ petitions have been filed for a Mandamus, to direct the respondents to pay the petitioners interest at the rate of 6% per annum for the belated payment of their PF., gratuity, commuted value of pension and earned leave salary, to pay them wages towards 30 days of earned leaves surrendered by the petitioners, 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, 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:-



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“(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, these Writ Petitions are disposed 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 and encashment of earned leave/sick leave 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.

Sd/-
Assistant Registrar(CS-V)

// 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 Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-600 002.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.45378
+10ccs to Mr.D.Raghu, Advocate, S.R.No.45490

W.P.Nos.18925, 18927, 18928, 18930, 18931,
18932, 18937, 18938, 18939 & 18941 of 2021

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