IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.19010&19014 of 2021
(Through Video Conferencing)

R.Muthukrishnan ...Petitioner in W.P.No.19010 of 2021

R.Durai ...Petitioner in W.P.No.19014 of 2021

Vs

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

2.Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Represented by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 600 002. ...Respondents in both W.Ps

Common Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing 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 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 (In both W.Ps)	:	Mr.V.Ajoy Khose for M/s.R.Krishnaswamy
For Respondents (In both W.Ps)	:	
For R1	:	Mr.D.Raghu Standing Counsel
For R2	:	Mr.C.S.K.Sathish Standing Counsel

COMMON ORDER

Though these writ petitions have been filed for a Mandamus, to direct the respondents to settle interest at the rate of 6% per annum for the belated payment of the petitioners Provident Fund, Gratuity, Commuted Value of Pension and Earned Leave Salary, 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, 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 Provident Fund, Gratuity, Commuted Value of Pension and Earned Leave Salary et cetera 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-VIII)

// True Copy //

Sub Assistant Registrar

arb

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.

+2ccs to Mr.D.Raghu, Advocate SR.No.45936, 45935

W.P.Nos.19010 & 19014 of 2021

VBM(CO)
RVM(24/09/2021)