



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.19094 OF 2021

(Through Video Conferencing)

C.Rajendiran

... Petitioner

.Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Ramakrishna Salai,
Salem - 636 007.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondent

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the payments relating to interest amount of Provident Fund, Gratuity, Earned Leave Salary and Commutation and others benefits likes, Social Welfare Scheme amount, ERBS Pension Amount, EL Surrender Arrears and IRT share amount and all other retirement benefits along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.05.2020.

For Petitioner : Mr.N.Desinghu

For Respondents : Mr.D.Raghu
Standing Counsel for R1

Mr.C.S.K.Sathish for R2



ORDER

Though this writ petition has been filed for a Mandamus, to direct the respondents to pay the petitioner interest at the rate of 12% per annum to disburse the payments relating to interest amount of Provident Fund, Gratuity, Earned Leave Salary and Commutation and others benefits likes, Social Welfare Scheme amount, ERBS Pension Amount, EL Surrender Arrears and IRT share amount and all other retirement benefits along with the entitled difference of dearness allowances, 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 payment of Provident Fund, Gratuity, Earned Leave Salary 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.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Ramakrishna Salai,
Salem - 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.N.Desinghu, Advocate, S.R.No.46656

W.P.NO.19094 OF 2021

RLD(CO)
PBS/06/10/2021