

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.19806 OF 2021
(THROUGH VIDEO CONFERENCING)

Pokkuvarathu Kazhaka Oyvu Petra
Aluvalar Nala Sangam, Kovai,
(Regd.No.269/2011)
Rep. by its Secretary,
K.S. Shanmuga Velayutham.

... Petitioner

vs

1. M/s. The State of Tamil Nadu,
Rep. by its Chairman of State Transport Undertakings
and Addl. Chief Secretary to Government,
Transport Department, Chennai-600 009.

2. M/s. Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
Rep. by its Managing Director,
No.37 Mettupalayam Road,
Coimbatore-641 043.

3. M/s. Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai,
Chennai-600 002.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 and 3 herein to settle 6% interest for the belated settlement of Terminal Benefits to the 18 members out of total 192 members of the petitioner Association herein as per the list enclosed herewith.

For Petitioner : M/s.D.Soundar Raj

For R1 : Mr.L.S.M Hasan Fizal,
Government Advocate.

For R2 : Mr.A.Sundaravadhanan

For R 3 : Mr.C.S.K.Sathish

O R D E R

Though this writ petition has been filed for a Mandamus, to direct the respondents to pay the petitioners interest at the rate of 6% per annum for the belated settlement of Terminal Benefits to the 18 members out of total 192 members of the petitioner Association, 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 petitioners for the belated settlement of Terminal Benefits to the 18 members out of total 192 member of the petitioner Association 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

drl/mka

To

1. The Addl. Chief Secretary to Government,
M/s.The State of Tamil Nadu,
Rep.by its Chairman of State Transport Undertakings
Transport Department, Chennai-600009.
2. The Managing Director,
M/s. Tamil Nadu State Transport Corporation
(Coimbatore) Ltd., No.37 Mettupalayam Road,
Coimbatore-641 043.
3. The Administrator,
M/s. Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
No.2, Pallavan Salai,
Chennai-600 002.

+1cc to M/s.D.Soundar Raj, Advocate, S.R.No.47693
+1cc to the Government Pleader, S.R.No.47895

W.P.No.19806 of 2021

VSN-II (CO)
CS/12/10/2021