

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20960 of 2021
(Through Video Conferencing)

- 1.M.Ramalingam
- 2.S.V.Subramanian
- 3.K.Baskaran
- 4.G.Mohan
- 5.I.Saleem Kahn
- 6.M.Murthi
- 7.A.Edward Joseph
- 8.S.Annamalai
- 9.S.Arumugam
- 10.K.P.Yuvaraj
- 11.R.Manoharan
- 12.A.Christhudass
- 13.P.Balasaraswathi
- 14.P.S.Shanmugam
- 15.M.B.Magesh
- 16.R.S.Marimuthu

... Petitioners

WEB COPY Vs

- 1.The Managing Director,
Metropolitan Transport Corporation (Chennai) Limited,
2, Pallavan Illam, Anna Salai,
Chennai – 600 002.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai, Chennai – 600 002.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay interest at the rate of 10% for the belated payment of Provident Fund, Gratuity, Leave Salary and Commutation of Pension amount to the petitioners.

For Petitioners : Mr.S.T.Varadarajulu
For Respondents : Mr.K.Moorthy

ORDER

This Writ Petition has been filed for a Writ of Mandamus, to direct the respondents to pay interest at the rate of 10% per annum for the belated payment of Provident Fund, Gratuity, Leave Salary and Commutation of Pension amount in terms of the decision of the First Bench of the Madurai Bench of this Court in W.A.(MD)Nos.383 to 457 of 2015.

2. The First Bench of the Madurai Bench of this Court, in the above case, has directed the State Transport Corporation to settle the terminal benefits of its employees in 12 equal monthly installments and to pay interest at the rate of 6% on the terminal benefits payable to the

workman. The First Bench of the Madurai Bench of this Court has also held that workman is entitled to 18% interest for the defaulted period of installments.

3. It is noticed that though the above observation of the First Bench of the Madurai Bench of this Court was followed by a learned Single Judge in W.P.No.15886 of 2020 vide order dated 19.01.2021, the learned Single Judge has subsequently modified the views in W.P.No.506 of 2021 vide order dated 24.03.2021 considering the constraints of the State Finance due to the outbreak of Covid-19 with the following directions:-

*“(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.**”*

C.SARAVANAN,J.

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4. Considering the same, this Writ Petition is disposed by directing the respondents to consider the representations of the petitioners and to pay interest at the rate of 4% per annum for the belated payment of Provident Fund, Gratuity and other legal dues to the petitioners in six equated monthly instalments commencing from 1st November, 2021. No costs.

30.09.2021

Index: Yes/ No
Internet : Yes/No
Speaking/Non-speaking Order

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To

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