



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NOS.19297, 19298, 19300, 19301, 19302, 19303,
19305, 19307, 19309, 19311 OF 2021

(THROUGH VIDEO CONFERENCING)

- | | |
|---------------------|---|
| 1.V.S.Shanmugam | ... Petitioner
in W.P.No.19297 of 2021 |
| 2.C.Murugan | ... Petitioner
in W.P.No.19298 of 2021 |
| 3.M.Sureshkumar | ... Petitioner
in W.P.No.19300 of 2021 |
| 4.M.Senthilnathan | ... Petitioner
in W.P.No.19301 of 2021 |
| 5.V.Palanivel | ... Petitioner
in W.P.No.19302 of 2021 |
| 6.K.S.Venkatachalam | ... Petitioner
in W.P.No.19303 of 2021 |
| 7.R.Rajasekaran | ... Petitioner
in W.P.No.19305 of 2021 |
| 8.K.Balasubramanian | ... Petitioner
in W.P.No.19307 of 2021 |
| 9.E.Paramasivam | ... Petitioner
in W.P.No.19309 of 2021 |
| 10.P.Shanmugam | ... Petitioner
in W.P.No.19311 of 2021 |

Vs

Tamil Nadu State Transport
Corporation (Salem) Limited,
Represented by The Managing Director,
No.12, Ramakrishna Road,
Salem - 7.

... Respondent in all W.Ps



Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioners interest at the rate of 6% per annum for the belated payment of their Provident Fund, Gratuity 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, together with interest at the rate of 6% within a specified time stipulated by this Court.

For Petitioners : Mr.R.Krishnaswamy
(In all W.Ps)
For Respondent : Mr.D.Raghu
(In all W.Ps) Standing Counsel

COMMON ORDER

Though these writ petitions have been filed for a Mandamus, to direct the respondent to settle interest at the rate of 6% per annum for the belated payment of the petitioners Provident Fund, Gratuity and Earned Leave Salary, to pay 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:-

"(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 respondent to pay interest at the rate of 4% per annum to the petitioners for the belated payment of Provident Fund, Gratuity and Earned Leave Salary etc., within a period of six months in six equated monthly instalments. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

arb/nst

To

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 7.

+10ccs to Mr.D.Raghu, Advocate,
S.R.Nos.46564,46560,46563,46559,46565,46566,46567,46568,46569
and 46570

W.P.Nos.19297, 19298, 19300, 19301, 19302, 19303,
19305, 19307, 19309, 19311 of 2021

KSM(CO)
PM/05/10/2021