



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19831 of 2021

(Through Video Conferencing)

A.Thiruvenkadam

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram Division),
3/137, Salamedu, Valudhareddy Post,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Tiruvannamalai Division),
By-Pass Road, Vengikkal,
Tiruvannamalai - 606 604.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
No.2, Thiruvalluvar Illam,
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 consider the representations of the petitioner dated 04.03.2021 and to pay interest at the rate of 10% for the late payment of the gratuity amount and 12% interest for other legal dues and award cost.

For Petitioner : Mr.S.Ravi

For Respondents : Mr.G.Saravana Kumar



ORDER

Though this writ petition has been filed for a Mandamus, to direct the respondents to pay interest at the rate of 10% per annum for the late payment of the petitioner gratuity amount and 12% interest for other legal dues, 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 consider the representations dated 04.03.2021 of the petitioner and to pay interest at the rate of 4% per annum for the belated payment of gratuity and other legal dues to the petitioner within a period of six months in six equated monthly instalments. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram Division),
3/137, Salamedu, Valudharedy Post,
Villupuram - 605 602.



2. The General Manager,
Tamil Nadu State Transport Corporation
(Tiruvannamalai Division),
By-Pass Road, Vengikkal,
Tiruvannamalai - 606 604.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
No.2, Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

+1cc to M/s.S.Ravi, Advocate, S.R.No.47942

W.P.No.19831 of 2021

NK(CO)
SU(12/10/2021)