



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.19333,19336,19337,19341,19344,
19348,19350,19353,19354 & 19357 of 2021

(Through Video Conferencing)

1. N.Periyasamy	...	Petitioner in W.P.No.19333 of 2021
2. K.Athiyappan	...	Petitioner in W.P.No.19336 of 2021
3. M.Kumaresan	...	Petitioner in W.P.No.19337 of 2021
4. M.Shanmugam	...	Petitioner in W.P.No.19341 of 2021
5. P.Chinnathambi	...	Petitioner in W.P.No.19344 of 2021
6. P.Pannerselvam	...	Petitioner in W.P.No.19348 of 2021
7. P.Rajendran	...	Petitioner in W.P.No.19350 of 2021
8. D.Selvaraj	...	Petitioner in W.P.No.19353 of 2021
9. C.Periyasamy	...	Petitioner in W.P.No.19354 of 2021
10. E.Aiyyasamy	...	Petitioner in W.P.No.19357 of 2021

Vs

Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep. by its Managing Director, No.12,
Ramakrishna Road,
Salem.

... Respondents in all W.Ps

Common Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the Respondent to pay the petitioner interest at the rate of 6% per annum for the belated payment of his PF, gratuity and earned leave salary, to pay him wages towards 30 days of earned leaves surrendered by the petitioner, while he was 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 as may be fixed.



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

COMMON ORDER

Though these writ petitions have been filed for a Mandamus, to direct the respondents to pay the petitioners interest at the rate of 6% per annum for the belated payment of the petitioners gratuity, earned leave salary and provident fund, 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.In view of the same, I am inclined to dispose these writ petitions by directing the respondents to pay interest at the rate of 4% per annum to the petitioners for the belated payment of gratuity, earned leave salary etc., within a period of six months in six equated monthly instalments. These Writ Petitions stand disposed of with the above observations. No costs.

Sd/-

Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

rgm/jas



To

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

+1CC to M/s.V.Ajoy Khose, Advocate, SR.No. 46743

+10CCs to M/s.D.Raghu, Advocate, SR.No.46773,46774,46775, 46776,
46777, 46778, 46779, 46780, 46781, 46782

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RR(CO)
B.VC (13/10/2021)