



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.20468, 20471, 20475 to 20479, 20481 to 20483 of 2021

(Through Video Conferencing)

1.K.Velusamy	...Petitioner in W.P.No.20468 of 2021
2.R.Anbazhagan	...Petitioner in W.P.No.20471 of 2021
3.M.Balu	...Petitioner in W.P.No.20475 of 2021
4.P.Balasubramanian	...Petitioner in W.P.No.20476 of 2021
5.P.Chellamuthu	...Petitioner in W.P.No.20477 of 2021
6.R.Subramanian	...Petitioner in W.P.No.20478 of 2021
7.M.Seenivasan	...Petitioner in W.P.No.20479 of 2021
8.P.Iyamperumal	...Petitioner in W.P.No.20481 of 2021
9.N.Madeshwaran	...Petitioner in W.P.No.20482 of 2021
10.V.Nagarajan	...Petitioner in W.P.No.20483 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 in W.P.Nos.20468, 20471, 20475 to 20478, 20481 to 20483 of 2021: 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%.

Prayer in W.P.No.20479 of 2021: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pay the petitioner interest at the rate of 6% per annum for the belated payment of his Provident Fund, Gratuity and Earned Leave Salary to pay him wages towards 45 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%.

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For Petitioners : Ms.H.Nandhini
(In all W.Ps) for Mr.V.Ajoy Khose

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

COMMON ORDER

These writ petitions have been filed for a Mandamus, to direct the respondent to pay 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 and 45 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% per annum, in terms of the decision of this Court in W.P.No.15886 of 2020 vide order dated 19.01.2021. However, 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.

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Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

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To

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

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.49242

W.P.Nos.20468, 20471, 20475 to 20479,
20481 to 20483 of 2021

PL[co]
NSK 27/10/2021