



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NOS.19491 TO 19493 OF 2021

(THROUGH VIDEO CONFERENCING)

1.K.E.Eswararaj	...	Petitioner in W.P.No.19491 of 2021
2.P.V.Suresh	...	Petitioner in W.P.No.19492 of 2021
3.T.L.Govindarajan	...	Petitioner in W.P.No.19493 of 2021

Vs

1. The State of Tamil Nadu
Represented by its Principal Secretary,
Transport Department,
Fort St.George, Chennai - 9.
 2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai - 600 002.
 3. Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Represented by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.
- ... Respondents in all W.Ps

Common Prayer: Petitions 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 6% per annum for the belated payment of Leave Salary, Provident Fund, Gratuity and Commutation as sought for in the petitioners representation dated 27.08.2021.



WEB COPY

For Petitioners : Mr.L.Chandrakumar
(In all W.Ps)

For Respondents :
(In all W.Ps)
For R1 : Mr.L.S.M.Hasan Fizal
Government Advocate

For R2 & R3 : Mr.K.Moorthy
Standing Counsel

COMMON ORDER

Though these writ petitions have been filed for a Mandamus, to direct the respondents to pay interest at the rate of 6% per annum for the belated payment of the petitioners Leave Salary, Provident Fund, Gratuity and Commutation, 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 respondents to pay interest at the rate of 4% per annum to the petitioners for the belated payment of Leave Salary, Provident Fund, Gratuity and Commutation etc., within a



WEB COPY

period of six months in six equated monthly instalments. No costs.

Sd/-
Assistant Registrar(L.A)

// True Copy //

Sub Assistant Registrar

arb

To

1. The Principal Secretary,
Government of Tamil Nadu,
Transport Department,
Fort St.George, Chennai - 9.
2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai - 600 002.
3. The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+3ccs to Mr.L.Chandrakumar, Advocate, S.R.No.46681, 46680, 46679

+1cc to Mr.L.S.M.Hasan Fizal, Advocate, S.R.No.47351

+1cc to the Government Pleader, S.R.No.47526

W.P.Nos.19491 to 19493 of 2021

PVS(CO)
RLP(07/10/2021)