



W.P.No.19802 of 2021

W.P.No.19802 of 2021
and
W.M.P.No.21080 of 2021

C.SARAVANAN, J.

At request of the learned counsel for the petitioner, this case was listed under the caption for being mentioned today.

2. The learned counsel for the petitioner submits that there is a typographical error in Paragraph No.2 of the order dated 17.09.2021 passed by this Court in this Writ Petition inasmuch as the interest has been wrongly ordered to be paid by the respondents at the rate of 18% per annum instead of 4% per annum.

3. The learned counsel Government advocate appearing for the first and second respondents and the learned Standing Counsel appearing for the third respondent confirm the same.

4. Considering the same, in fourth line of Paragraph No.2 of the said order, the numerical “18” shall be substituted with “4”. Registry



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is therefore directed to correct the same and issue fresh order copy to the parties.

02.11.2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

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THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.No.19802 of 2021 and
W.M.P.No.21080 of 2021

(Through Video Conferencing)

R.Yogeswaran Pillai
V.Chockalingam
V.Gunasekaran
R.Leelakrishnan

...Petitioners

Vs

1. The Government of Tamil Nadu,
Rep. By its secretary to Government,
Transport Department,
Secretariat, Chennai – 600 043.
2. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Mount Road,
Pallavan Salai, Chennai – 600 002.
3. The General Manager,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Mount Road,
Pallavan Salai, Chennai – 600 002.

...Respondents



W.P.No.19802 of 2021

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to refund the amount which was deducted under the PRBF scheme from the petitioners monthly salary from October 1992 to December 2017 along with interest at the rate of 18% per annum from the date of retirement of the petitioners with in a stipulated period that may be fixed by this Hon'ble Court.

For Petitioners : Mr.S.N. Sudhagar Nagraj
For Respondents : Mr.L.S.M Hasan Fizal
R1 & R2 : Government Advocate
R3 : Mr.K.Moorthy
Standing Counsel

ORDER

The petitioners were relieved from the service of the respondent during 2018. Though a settlement under Section 1213 of the Industrial Disputes Act has been signed, the terminal benefits of these petitioners have not been paid. Considering the same, this writ petition disposed by directing the respondents to release the terminal benefits within a period of six weeks from the date of receipt of this order together with interest at 4%, 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:-



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*“(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 refund the amount which was deducted under the PRBF scheme from the petitioners monthly salary from October 1992 to December 2017 along with interest at the rate of 18% per annum from the date of retirement of the petitioners within a period of six months in six equated monthly instalments.



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WEB COPY 3.This Writ Petition stands disposed of with the above observations.

No costs. Consequently, connected miscellaneous petition is closed.

17.09.2021

Index: Yes/ No

Internet : Yes/No

Speaking/Non-speaking Order

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Secretariat, Chennai – 600 043.
2. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Mount Road,
Pallavan Salai, Chennai – 600 002.
3. The General Manager,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Mount Road,
Pallavan Salai, Chennai – 600 002

C.SARAVANAN,J.



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