



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P. No.19805 of 2021
and WMP.No.21087 of 2021
(Through Video Conferencing)

1.N.Chandran
2.R.Ganesan
3.B.Valluvan
4.A. Rajendran
5.S. Rabi Vincent
6.K.Ravi
7.K. Rama Lingam
8.K.Kumaravel
9.V.Sengalvarayan
10.S. Kandaswamy
11.G.Vedagiri
12.R.Dhanasekaran
13.T.Vijayaragavan

... Petitioners

Vs

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department, Secretariat,
Chennai-600 009.

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.

4.The Administrator,
Tamil Nadu State Transport,
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to settle the interest for the belated payment of retirement benefits such as Gratuity, Earned Leave, Medical Leave, Commutation of Pension, Provident fund and other retirement benefits payable to the petitioners with 18% rate of interest.

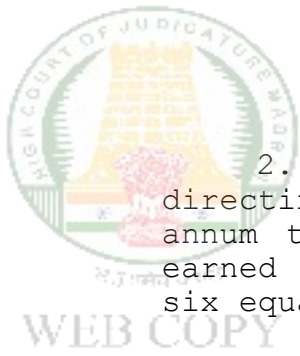
For Petitioners	: Mr.N.Sudhagar Nagaraj
For R1	: Mr.L.S.M Hasan Fizal, Government Advocate
For R2 & R3	: Mr.K.Moorthy Standing Counsel
For R 4	: Mr.C.S.K.Sathish, Standing Counsel

O R D E R

Though this writ petition has been filed for a Mandamus, to direct the respondents to pay the petitioners interest at the rate of 18% per annum for the belated payment of retirement benefits such as Gratuity, Earned Leave, Medical Leave, Commutation of Pension, Provident fund and other retirement benefits 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 pay interest at the rate of 4% per annum to the petitioners for the belated payment of gratuity, earned leave salary et cetera within a period of six months in six equated monthly instalments.

3. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

drl/mka
To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Transport Department, Secretariat,
Chennai-600 009.
- 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.
- 4.The Administrator,
Tamil Nadu State Transport,
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

+1cc to M/s.N.Sudhagar Nagaraj, Advocate Sr.47686
+1cc to M/s.K.Moorthy, Advocate Sr.48027
+1cc to the Government Pleader Sr.47894

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rr[co]
srg 12/10/2021