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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.20774, 20777, 20780, 20782 & 20785 of 2021

(Through Video Conferencing)

1.H.Chandran	... Petitioner in W.P.No.20774 of 2021
2.K.Ayyappan	... Petitioner in W.P.No.20777 of 2021
3.R.Inbasekaran	... Petitioner in W.P.No.20780 of 2021
4.K.A.Palanisamy	... Petitioner in W.P.No.20782 of 2021
5.S.Akbarbashaw	... Petitioner in W.P.No.20785 of 2021

Vs

Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
Represented by its Managing Director,
Mettupalayam Salai, Coimbatore - 64103.
... Respondents in all W.Ps.

Prayer in W.P.No.20774 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner's interest at the rate of 6% per annum for the belated payment of the petitioner's Provident Fund, Gratuity and Earned Leave Salary and also pay a sum of Rs.93,892/- towards difference in Gratuity.

Prayer in W.P.No.20777 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner's interest at the rate of 6% per annum for the belated payment of the petitioner's Provident Fund, Gratuity and Earned Leave Salary and also pay a sum of Rs.68,040/- towards difference in Gratuity with 6% interest and a sum of Rs.35,476/- towards salary for 60 days earned leave surrender by the petitioner.

Prayer in W.P.No.20780 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner's interest at the rate of 6% per annum for the belated payment of the petitioner's



Provident Fund, Gratuity and Earned Leave Salary and also pay a sum of Rs.56,970/- towards difference in Gratuity, a sum of Rs.1,616/- towards difference in salary and with 6% per annum by taking the petitioner's dearness allowance as Rs.5,616/- as on the revision of the dearness allowance from 9% to 12% with effect from 01.01.2019.

Prayer in W.P.No.20782 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner's interest at the rate of 6% per annum for the belated payment of the petitioner's Provident Fund, Gratuity and Earned Leave Salary and also pay a sum of Rs.72,900/- towards difference in Gratuity.

Prayer in W.P.No.20785 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner's interest at the rate of 6% per annum for the belated payment of the petitioner's Provident Fund, Gratuity and Earned Leave Salary and also pay a sum of Rs.72,495/- towards difference in Gratuity.

For Petitioners : Ms.H.Nandhini
(in all W.Ps)

For Respondent : Mr.A.Sundaravadhanam
(in all W.Ps) Standing Counsel

COMMON ORDER

It is the case of the petitioner that the respondent have not paid entire amount in gratuity. That apart, they have not paid interest for belated payment of other terminal benefits on account of the fact that the petitioners have retired.

2.Already this Court has passed orders in few writ petitions by allowing 4% on belated payment of terminal benefits other than Gratuity. Asfaras Gratuity is concerned, the respondent are directed to pay the interest as per the provisions on the payment of the gratuity under the Tamil Nadu Pension Rules, 1978.

3.Considering the same, these writ petitions are disposed by directing the respondent to pay interest and all the amount which has been settled belatedly at 4% except gratuity in 6 equated monthly installments commencing from 1st December 2021.



Asfaras belated payment of gratuity and additional amount of gratuity is concerned, the respondent shall pay the same within the aforesaid period at the statutory rate of interest under the provisions of Payment of Gratuity Act, 1972. No costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Limited,
Mettupalayam Salai,
Coimbatore - 64103.

+1cc to M/s.V.Ajoy Khose, Advocate Sr No.50024

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RGN (CO)
PR (02/11/2021)