



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.20163 & 20165 of 2021
(Through Video Conferencing)

1.N. Ganesan ... Petitioner in W.P.No.20163 of 2021
2.N.Rajavelu ... Petitioner in W.P.No.20165 of 2021

Vs

1. The Management of
Tamil Nadu State Transport Coporation (Kovai) Limited,
Erode Region,
Represented by its Managing Director,
Erode.
... First Respondent in both W.Ps
2. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.
... Second Respondent in W.P.No.20165 of 2021

Prayer in W.P.No.20163 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pay interest at the rate of 18% per annum, for the period of delay from 01.03.2020 to 01.06.2021, in paying the amounts paid towards the terminal benefits of the petitioner namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves within a time frame.

Prayer in W.P.No.20165 of 2021: Petition 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 18% per annum, for the period of delay from 01.05.2019 to 24.09.2019, in paying the amounts paid towards the terminal and pension benefits of the petitioner namely EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commutated Value of Pension within a time frame.

For Petitioners : Mr.V.Ajoy Khose
(In both W.Ps)
For Respondents : Mr.A.Sundaravadhanan
(In both W.Ps) 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 18% per annum for the belated payment of the petitioners EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves and Commuted Value of Pension, in terms of the decision of this Court in W.P.No.20163 of 2021 vide order dated 17.09.2021, 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 EPF Employee's Contribution, Gratuity, Encashment of Earned/Sick Leaves etc., within a period of six months in six equated monthly instalments. No costs.

Sd/-

Assistant Registrar(CS III)
//True Copy//

Sub Assistant Registrar

arb/nst

To

1. The Managing Director,
Management of
Tamil Nadu State Transport Corporation (Kovai) Limited,
Erode Region, Erode.



2. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

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+1CC to Mr.V.Ajoykhose, Advocate, Sr.No.48788

W.P.Nos.20163 & 20165 of 2021

PL (CO)

K.RK. (04.10.2021)