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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20366 of 2021
(Through Video Conferencing)

K.Eswaran

... Petitioner

Vs

The Management of
Tamil Nadu State Transport Corporation
(Kovai) Ltd.,
Rep. by its Managing Director,
Coimbatore.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the Respondent to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.06.2019 to 24.01.2021, in paying the amounts paid towards petitioner terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves. Within a time frame as may be fixed by this Hon'ble Court and without affecting my right to claim balance amount towards those benefits.

For Petitioner : Mr.A.Ajay Khose

For Respondent : Mr.A.Sundaravadhanam
Standing Counsel

ORDER

Though this writ petition has been filed for a Mandamus, to direct the respondent to pay the petitioner interest at the rate of 18% per annum, for the period of delay from 01.06.2019 to 24.01.2021, in paying the amounts paid towards petitioner terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves, in terms of the decision of this Court in W.P.No.15886 of 2020 vide order dated 19.01.2021. However, 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. In view of the same, I am inclined to dispose this writ petition by directing the respondent to pay interest at the rate of 4% per annum to the petitioner's terminal benefits namely EPF Employee's Contribution, Gratuity and Encashment of Earned/Sick Leaves etc., within a period of six months in six equated monthly instalments. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
The Management of
Tamil Nadu State Transport Corporation
(Kovai) Ltd.,
Coimbatore.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.48931

W.P.No.20366 of 2021

SRA(CO)
CB(13/10/2021)