



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.21055, 21057, 21061, 21064 & 21068 of 2021
(Through Video Conferencing)

1.S.Gunasekaran	... Petitioner in W.P.No.21055 of 2021
2.K.Thirumurthy	... Petitioner in W.P.No.20157 of 2021
3.R.Govindarajan	... Petitioner in W.P.No.21061 of 2021
4.V.Thirumoorthy	... Petitioner in W.P.No.21064 of 2021
5.M.Varadarajan	... Petitioner in W.P.No.21068 of 2021

Vs

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

... Respondent in all W.Ps

Common Prayer in W.P.Nos.21055 & 21061 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 interest to the petitioner at the rate of 18% per annum, for the period of delay from 01.05.2019 to 24.01.2021, 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 as may be fixed by this Hon'ble Court and without affecting the petitioner's right to claim balance amounts towards those benefits.

Prayer in W.P.No.21057 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 interest to the petitioner at the rate of 18% per annum, for the period of delay from 01.01.2019 to 21.09.2019, 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 as may be fixed by this Hon'ble Court and without affecting the petitioner's right to claim balance amounts towards those benefits.

Prayer in W.P.No.21064 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 interest to the petitioner at the rate of 18% per annum, for the period of delay from 01.02.2021 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 as may be fixed by this Hon'ble Court and without affecting the petitioner's right to claim balance amounts towards those benefits.

Prayer in W.P.No.21068 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 interest to the petitioner 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 the terminal benefits of the petitioner 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 the petitioner's right to claim balance amounts towards those benefits.

For Petitioners: Ms.H.Nandhini
(In all W.Ps) for Mr.V.Ajoy Khose

For Respondent : Mr.A.Sundaravadhanan
(In all W.Ps) Standing Counsel

COMMON ORDER

These writ petitions have been filed for a Mandamus, to direct the respondent 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, in terms of the decision of this Court in W.P.No.20163 of 2021 vide order dated 17.09.2021. 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:-

"(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 respondent 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-IV)

// True Copy //

Sub Assistant Registrar

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

+1CC to M/s.A.Sundaravadhanan, Advocate, SR.No. 50773

+1CC to Mr.V.Ajoy Khose, Advocate, SR.No. 51019

W.P.Nos.21055, 21057, 21061,
21064 & 21068 of 2021

MG(CO)
B.VC (20/10/2021)