



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.21351 OF 2021

AND

W.M.P.NO.22597 OF 2021

(THROUGH VIDEO CONFERENCING)

1. Mariadoss
2. Rayappan
3. A.Gopalakrishnan
4. M.Devaraj
5. N.Ganesan
6. N.Padmanaban
7. Mohamed Sultan

... Petitioners

Vs

1. The Managing Director,
The Tamil Nadu State Transport Corporation Ltd,
Coimbatore Division I
No.37, Mettupalayam Road,
Coimbatore.
2. The Administrator,
Tamil Nadu Pension Trust,
Pallavan Salai,
Chennai

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st Respondent herein to pay interest for the delayed payments made to the petitioner in respect of Gratuity, commutation, Provident Fund, Earned leave, and the funds deducted under State Transport Employees Retirement Benefit Scheme (STERBS), etc.,

For Petitioner : Mr.A.Anand Raja

For Respondents : Mr.A.Sundaravadhanam
Standing Counsel



ORDER

This Writ Petition has been filed for a Writ of Mandamus, to direct the 1st Respondent herein to pay interest for the delayed payments made to the petitioner in respect of Gratuity, commutation, Provident Fund, Earned leave, and the funds deducted under State Transport Employees Retirement Benefit Scheme (STERBS), etc., in terms of the decision of the First Bench of the Madurai Bench of this Court in W.A.(MD)Nos.383 to 457 of 2015.

2. The First Bench of the Madurai Bench of this Court, in the above case, has directed the State Transport Corporation to settle the terminal benefits of its employees in 12 equal monthly installments and to pay interest at the rate of 6% on the terminal benefits payable to the workman. The First Bench of the Madurai Bench of this Court has also held that workman is entitled to 18% interest for the defaulted period of installments.

3. It is noticed that though the above observation of the First Bench of the Madurai Bench of this Court was followed by a learned Single Judge in W.P.No.15886 of 2020 vide order dated 19.01.2021, the learned Single Judge has subsequently modified the views in W.P.No.506 of 2021 vide order dated 24.03.2021 considering the constraints of the State Finance due to the outbreak of Covid-19 with the following directions:-

"(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."

4. Considering the same, this Writ Petition is disposed by directing the respondents to consider the representations dated 21.04.2021 and 30.07.2021 of the petitioner and to pay interest at the rate of 4% per annum for the delayed payments of Gratuity, Commutation, Provident Fund and other legal dues to the petitioner in six equated monthly instalments commencing



from 1st December, 2021. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rgm/jas

To

1. The Managing Director,
The Tamil Nadu State Transport Corporation Ltd,
Coimbatore Division I
No.37, Mettupalayam Road,
Coimbatore.
2. The Administrator,
Tamil Nadu Pension Trust,
Pallavan Salai, Chennai.

+1cc to Mr.A.Anand Raja, Advocate, S.R.No.52716

W.P.No.21351 of 2021
and
W.M.P.No.22597 of 2021

AD(CO)
CS/08/11/2021