



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20268 of 2021

(Through Video Conferencing)

P.S.Elango
Checking Inspector,
Tamilnadu Transport Corporation Ltd,
Coimbatore Division - 2,
Mettupalayam Road, Coimbatore - 641 043.
Residing at
40/1, Somasundaram Lay Out,
Udumalai Road,
Pollachi - 642 001.

...Petitioner

Vs

1. Tamil Nadu State Transport Corporation
(Coimbatore) Ltd., Division I
Represented by its Managing Director,
No.37, Mettupalayam Salai,
Coimbatore.

2. The Administrator,
Tamil Nadu Pension Turst,
Pallavan Salai, Chennai.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner interest for the delayed payments made to the petitioner in respect of Gratuity, Commutation, Provident Fund and Earned Leave, etc.,.

For Petitioner	: Mr.D.Anand Raja
For Respondents	: Mr.A.Sundaravadanam Standing Counsel

ORDER

Though this writ petition has been filed for a Mandamus, to direct the respondents to pay the petitioner's interest for the delayed payments made to the petitioner in respect of Gratuity, Commutation, Provident Fund and Earned Leave, etc., 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. Considering the same, this Writ Petition is disposed by directing the respondents to pay interest at the rate of 4% per annum to the petitioner for the delayed payment of P.F., gratuity etc., within a period of six months in six equated monthly instalments.

3. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd., Division I
No.37, Mettupalayam Salai,
Coimbatore.

2. The Administrator,
Tamil Nadu Pension Turst,
Pallavan Salai, Chennai.

+1cc to Mr.D.Anand Raja, Advocate, S.R.No.48444
+1cc to the Government Pleader, S.R.No.49016

W.P.No.20268 of 2021

PCH[co]
NSK 02/11/2021