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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20550 of 2021
(Through Video Conferencing)

K.Kumar

... Petitioner

Vs

1.The Managing Director,

Tamil Nadu State Transport Corporation
(Villupuram) Limited
Vazhutha Reddy,
Villupuram - 605 602.

2.The General Manager

Tamil Nadu State Transport Corporation
(Villupuram) Limited
Kancheepuram Division,
Karraipettai, Kanchipuram - 631 552.

3.The Administrator,

Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the interest amount for Rs.8,86,993/- for the Petitioner's delayed payment of Gratuity amount, Commutation amount and Encashment of Leave amount with 6% interest per annum till the date of payment and also the Petitioner's 11 days salary for the period of 21.05.2019 to 31.05.2019; to pay IIIrd Review Increment payable from the year 2017 and fix the Petitioner's monthly salary as per it's loss; rectify wrongly issued of the Petitioner's Retirement Certificate for mentioning his service period as 19 years instead of 22 years and hand over the Petitioner's Service Register as per the Petitioner's representation dated 18.06.2021.



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For Petitioner : Mr.R.Anbalagan

For Respondents : Mr.G.Saravana Kumar
Standing Counsel

ORDER

Though this writ petition has been filed for a Mandamus, to direct the respondents to pay interest amount of Rs.8,86,993/- for his delayed payment of Gratuity amount, Commutation amount and Encashment of Leave amount with 6% interest per annum till the date of payment 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:-

“(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 consider the representations dated 18.06.2021 of the petitioner and to pay interest at the rate of 4% per annum for the belated payment of Gratuity and other legal dues to the petitioner within a period of six months in six equated monthly instalments. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar



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+1cc to Mr.R.Anbalagan, Advocate, S.R.No.49575

W.P.No.20550 of 2021

GPL(CO)
SB(04/10/2021)