



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20915 of 2021

(Through Video Conferencing)

P.Kanthimathi ... Petitioners

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Ramakrishna Salai,
Salem 636 6007.

2.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 disburse the payments relating to Leave Surrender arrears, Social Welfare Fund, ERBS Pension, 15 days salary and IRT share and all other retirement benefits along with the entitled difference also with interest at 12% per annum with effect from 01.05.2017 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.N.Desingu
For Respondents: Mr.D.Raghu
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus, to direct the Respondents to disburse the payments relating to Leave Surrender arrears, Social Welfare Fund, ERBS Pension, 15 days salary and IRT share and all other retirement benefits along with the entitled difference of dearness allowances and 7th Pay Commission different wages 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 representation dated 02.09.2021 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 petitioners within a period of six months in six equated monthly instalments. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

rrg

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited, Ramakrishna Salai,
Salem 636 6007.

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

+1cc to Mr.N.Desingu, Advocate, S.R.No. 50334

+1cc to Mr.D.Raghu, Advocate, S.R.No.50567

W.P.No.20915 of 2021

PBS (CO)
GN(20/10/2021)