



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.21704 of 2021

(Through Video Conferencing)

A.Santhanamoorthi

...Petitioner

Vs

1. The Principal Secretary,
Transport Department,
Fort St. George,
Secretariat,
Chennai-600 009.

2. The Tamil Nadu State Transport Corporation Ltd.,
Rep. by its Managing Director,
No.37, Mettupalayam Road,
Coimbatore-641 043.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to settle interest at the rate of 6% for the belated payment of terminal benefits to the petitioner in respect of Gratuity, Leave Salary, Provident Fund from the date of his retirement to date of actual payment for the said benefits.

For Petitioner	: Mr.M.A.Sivakumaran
For Respondents	: Mr.L.S.M.Hasan Fizal
	Standing Counsel for R1
	Mr.A.Sundaravadhanam
	Standing Counsel for R2

O R D E R

This Writ Petition has been filed for a Writ of Mandamus, to direct the respondents to settle the interest at the rate of 6% for the belated payment of terminal benefits to the petitioner in respect of Gratuity, Leave Salary, Provident Fund from the date of his retirement to date of actual payment for the said



benefits, 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 representation dated 06.09.2021 of the petitioner and to pay interest at the rate of 4% per annum for the belated payment of terminal benefits to the petitioner in respect of Gratuity, Leave Salary, Provident Fund and other legal dues to the petitioner in six equated monthly instalments commencing from 1st November, 2021. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rgm/jas



To

1. The Principal Secretary,
Transport Department,
Fort St. George,
Secretariat, Chennai-600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
No.37, Mettupalayam Road,
Coimbatore-641 043.

+1CC to Mr.M.A.Sivakumar, Advocate, Sr.No.52527
+1CC to Mr.Government Pleader, Sr.No.53539

W.P.No.21704 of 2021

VG II (CO)
K.RK. (10.11.2021)