



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.Nos.22415, 22422 & 22424 of 2021

(Through Video Conferencing)

- | | |
|--------------|---|
| 1.M.Boopathi | ... Petitioner
in W.P.No.22415 of 2021 |
| 2.T.Balaji | ... Petitioner
in W.P.No.22422 of 2021 |
| 3.R.Babu | ... Petitioner
in W.P.No.22424 of 2021 |

Vs.

- | | |
|--|--|
| 1.The Management of
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy Post,
Salamedu, Villupuram - 605 602. | |
| 2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vellore Region,
Vellore - 632 009. | ... 1 st and 2 nd Respondents
in all W.Ps |
| 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. | ... 3 rd respondent
in W.P.No.22415 of 2021 |

Prayer in W.P.No.22415 of 2021: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to pay interest for the belated payment of Gratuity, Commutation and Leave Liability Amount at the rate of 9% per annum.



Common Prayer in W.P.Nos.22422 & 22424 of 2021: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to pay interest for the belated payment of Gratuity and Leave Liability Amount at the rate of 9% per annum.

For Petitioners : Mr.N.Desinghu
(In all W.Ps)

For Respondents : Mr.A.Saravanakumar
(In all W.Ps)

COMMON ORDER

These Writ Petitions have been filed for a Writ of Mandamus, to direct the respondents to pay interest at the rate of 9% per annum for the Gratuity, Commutation and Leave Liability Amount 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, these Writ Petitions are disposed by directing the respondents to consider the representations dated 22.02.2021 and 18.07.2020 of the petitioners and to pay interest at the rate of 4% per annum for the belated payment of Gratuity, Commutation and Leave Liability Amount and other legal dues to the petitioners in six equated monthly instalments commencing from 1st December, 2021. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

arb
To

- 1.The Management of
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy Post,
Salamedu, Villupuram - 605 602.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vellore Region, Vellore - 632 009.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+3 ccs to Mr.G.Saravanakumar ., Advocate Sr.NO. 54295 to 54297

W.P.Nos.22415, 22422 & 22424 of 2021

A.SK(22.11.2021)