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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.21354 OF 2021

(Through Video Conferencing)

N.S.Krishnaswami

... Petitioner

.Vs.

The Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
Represented by its Managing Director,
Mettupalayam Salai, Coimbatore - 641 043.

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondent to pay the petitioner interest at the rate of 6% per annum for the belated payment of the petitioner's Provident Fund, Gratuity, Earned Leave Salary and also to pay a sum of Rs.23,929/- towards difference in Gratuity, a sum of Rs.1338/- towards difference in Salary and with 6% per annum by taking the petitioner's Dearness Allowance as Rs.5382/- as per the revision of the Dearness Allowance from 9% to 12% with effect from 01.01.2019, within a specified time as may be fixed by this Honourable Court, Award Costs.

For Petitioner : Ms.H.Nandhini

For Respondent : Mr.A.Sundaravadhanam
Standing Counsel

ORDER

This Writ Petition has been filed for a Writ of Mandamus, to direct the respondent to pay interest at the rate of 6% per annum for the belated payment of the petitioner's Provident Fund, Gratuity, Earned Leave Salary and also to pay a sum of Rs.23,929/- towards difference in Gratuity, a sum of Rs.1338/- towards difference in Salary and with 6% per annum by taking the



petitioner's Dearness Allowance as Rs.5382/- as per the revision of the Dearness Allowance from 9% to 12% with effect from 01.01.2019 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.

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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 respondent to consider the representation dated 29.07.2021 of the petitioner and to pay interest at the rate of 4% per annum for the belated payment of Provident Fund, Gratuity and other legal dues to the petitioner in six equated monthly instalments commencing from 1st November, 2021. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

arb



To

The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
Mettupalayam Salai,
Coimbatore - 641 043.

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+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.51386

W.P.NO.21354 OF 2021

SV(CO)
PBS/25/10/2021