



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.21938 of 2021

(Through Video Conferencing)

V.T.Jayanthi

... Petitioner

Vs.

1.The Metropolitan Transport Corporation,
Represented by its Managing Director,
No.2, Pallavan Salai, Chennai - 600 002.

2.The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Represented by its Administrator,
No.2, Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents herein to settle a sum of Rs.3,71,077/- towards 12% interest for Gratuity amount as per the Payment of Gratuity Act and 6% interest for Provident Fund Amount, Leave Salary Amount and 1/3rd Commutation of Pension Amount by considering the representation of the petitioner dated 01.07.2021.

For Petitioner : Mr.D.Soundar Raj

For Respondents:

For R1 : Mr.L.S.M.Hasan Fizal
Government Advocate

For R2 : Mr.A.Sundaravadhanam

ORDER

This Writ Petition has been filed for a Writ of Mandamus, to direct the respondents to settle a sum of Rs.3,71,077/- towards 12% interest for Gratuity amount as per the Payment of Gratuity Act and 6% interest for Provident Fund Amount, Leave Salary Amount and 1/3rd Commutation of Pension 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.



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 01.07.2021 of the petitioner and to pay interest at the rate of 4% per annum for the belated payment of Gratuity, Provident Fund, Leave Salary, Commutation of Pension and other legal dues to the petitioner in six equated monthly instalments commencing from 1st December, 2021. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Arb

To

1.The Managing Director,
Metropolitan Transport Corporation,
No.2, Pallavan Salai, Chennai - 600 002.



2.The Adminstrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
No.2, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.Soundar Raj, Advocate, S.R.No.53683

W.P.No.21938 of 2021

RSV(CO)
GN(02/11/2021)