

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.21756 of 2021

(Through Video Conferencing)

I.Thameen

... Petitioner

Vs

The General Manager,
The Management of
Tamil Nadu State Transport Corporation (Chennai) Ltd.,
Pallavan House,
Chennai-600 002.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to pay interest to the petitioner for the delayed payment from 01.10.2018 to 06.05.2019, in payment of the amount paid towards the petitioner terminal benefits namely EPF Employee's Contribution and also for the delayed payment from 01.10.2018 to 20.09.2019 in payment of the amount paid towards balance of commutation, leave surrender and gratuity based on the representation given by the petitioner dated 04.03.2021, within a time frame as may be fixed by this Court.

For Petitioner : Mr.E.Martin Jayakumar

For Respondent : Mr.K.Moorthy
Standing Counsel

ORDER

This Writ Petition has been filed for a Writ of Mandamus, to direct the respondent to pay interest to the petitioner for the delayed payment from 01.10.2018 to 06.05.2019, in payment of

the amount paid towards the petitioner terminal benefits namely EPF Employee's Contribution and also for the delayed payment from 01.10.2018 to 20.09.2019 in payment of the amount paid towards balance of commutation, leave surrender and gratuity based on the representation given by the petitioner dated 04.03.2021 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 respondent to consider the representation dated

04.03.2021 of the petitioner and to pay delayed payment from 01.10.2018 to 20.09.2019 in payment of the amount paid towards terminal balance of commutation, leave surrender and gratuity and other legal dues to the petitioner in six equated monthly instalments commencing from 1st December, 2021. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rgm

To

The General Manager,
The Management of
Tamil Nadu State Transport Corporation (Chennai) Ltd.,
Pallavan House,
Chennai-600 002.

W.P.No.21756 of 2021

AD(CO)
SB(01/11/2021)