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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.22674 of 2021
(Through Video Conferencing)

D.Mohanasundaram

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep by its Principal Secretary,
Transport Department,
Fort St. George, Chennai 9.

2.The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai 600 002.

3.Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust
Rep by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to settle all the terminal benefits with accrued interest thereon as sought for in his representation dated 16.09.2021 towards leave salary, gratuity and commutation leave salary, gratuity and commutation within a time to be stipulated by this Court.

For Petitioner: Mr.L.Chandrakumar

For Respondent: Mr.L.S.M.Hasan Fizal

Government Advocate for R1 & R2

O R D E R

This Writ Petition has been filed for a Writ of Mandamus, to direct the respondents to settle all the terminal benefits with accrued interest thereon as sought for in his representation dated 16.09.2021 towards eligible leave salary, gratuity and



commutation leave salary, gratuity and commutation 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 16.09.2021 of the petitioner and to pay the terminal benefits of Leave Salary, Gratuity and Commutation leave salary, Gratuity and Commutation and other legal dues to the petitioner in six equated monthly instalments commencing from 1st January, 2022. No costs.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar



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To

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- 1.The Principal Secretary,
Transport Department,
Fort St. George, Chennai 9.
- 2.The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai 600 002.
- 3.The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002.

+1cc to the Government Pleader, SR.No.22674

W.P.No.22674 of 2021

KSM(CO)
CB(29/11/2021)