



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.22872 of 2021

(Through Video Conferencing)

N.Selvaraj

... Petitioner

Vs.

Tamil Nadu State Transport

Corporation (Coimbatore) Limited,

Represented by its Managing Director,

Mettupalayam Salai, Coimbatore - 641 003.

... 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 his Provident Fund, Gratuity and Earned Leave Salary and also to pay him the sum of Rs.4,504.50/- towards earned leave surrender by the petitioner.

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 and Earned Leave Salary and also to pay a sum of Rs.4,504.50/- towards earned leave surrendered by the petitioner 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 decision 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 31.07.2021 of the petitioner and to pay interest at the rate of 4% per annum for the belated payment of Provident Fund, Gratuity, Earned Leave Salary and other legal dues to the petitioner in six equated monthly instalments commencing from 1st December, 2021.

5. In case the petitioner is also entitled to Earned Leave surrendered by the petitioner, the same shall also be paid by the respondent at the rate of 4% per annum along with the aforesaid amounts. No costs.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

arb



To

The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
Mettupalayam Salai, Coimbatore - 641 003.

W.P.No.22872 of 2021

RSV(CO)
SU(30/11/2021)