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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NOS.23021, 23022 & 23023 OF 2021

(THROUGH VIDEO CONFERENCING)

1.S.Sivakumar (Staff No.CR4507)	... Petitioner in W.P.No.23021 of 2021
2.P.Mariyappan (Staff No.FC0557)	... Petitioner in W.P.No.23022 of 2021
3.P.Kandhasamy (Staff No.FC0622)	... Petitioner in W.P.No.23023 of 2021

Vs

1. The Tamil Nadu State Transport Coporation
(Salem) Ltd,
Rep by its The Managing Director,
No.12, Ramakrishna Road,
Salem - 7.

2. The Tamil Nadu State Transport Corporations
Employee's Pension Fund Trust,
Rep by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

... Respondents in all W.Ps.

Common Prayer :

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay the petitioner interest at the rate of 6% per annum, for the belated payment of his PF, gratuity, commuted value of pension and earned leave salary, to pay him wages towards 30 days of earned leaves surrendered by the petitioner, while he was in service; to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund the contributions under the Post Retirement Benefit Scheme, together with interest at the rate of 6% with in a specified time.



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For Petitioner : Mr.V.Ajoy Khose
(in all W.Ps)
For Respondent : Mr.D.Raghu
(in all W.Ps) Standing Counsel

C O M M O N O R D E R

These Writ Petitions have been filed for a Writ of Mandamus, to direct the respondents to pay the petitioner interest at the rate of 18% per annum, for the belated payment of his PF, gratuity, commuted value of pension and earned leave salary, to pay him wages towards 30 days of earned leaves surrendered by the petitioner, while he was in service; to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund the contributions under the Post Retirement Benefit Scheme, together with interest at the rate of 6% 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, these Writ Petitions are disposed by directing the respondents to consider the representations dated 27.08.2021 and 05.08.2021 respectively of the petitioner and to pay the terminal and pension benefits of the petitioner namely PF, gratuity, commuted value of pension and earned leave salary, to pay him wages towards 30 days of earned leaves surrendered by the petitioner, while he was in service; to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund the contributions under the Post Retirement Benefit Scheme and other legal dues to the petitioner in six equated monthly instalments commencing from 1st January, 2022. As far as payment of Family Benefit Fund and IRT Contributions is concerned, the respondents shall consider and pass orders within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd,
No.12, Ramakrishna Road,
Salem - 7.
2. The Administrator,
Tamil Nadu State Transport Corporations
Employee's Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.54897

+3ccs to Mr.D.Raghu, Advocate, S.R.No.55000,55001,55002

W.P.Nos.23021, 23022 & 23023 of 2021

KSM(CO)
PM/08/12/2021