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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.23210 OF 2021

(THROUGH VIDEO CONFERENCING)

Pokkuvarathu Kazhaka Oyvu Petra
Aluvalar Nala Sangam,
Kovai (Registered No.269/2011),
Represented by its Secretary,
K.S.Shanmuga Velayutham,
B-25, Cheran Colony,
Thudiyalur Post, Coimbatore - 641 034.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Chairman of State
Transport Undertakings and
Additional Chief Secretary to Government,
Transport Department, Chennai - 600 009.
2. The Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
Represented by its Managing Director,
No.37, Mettupalayam Road,
Coimbatore - 641 043.
3. 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 second and third respondents to settle 6% interest for the belated settlement of terminal benefits to the 13 members out of total 193 members of the petitioner Association herein as per the list enclosed herewith and in the light of the orders passed by this Hon'ble Court in similar case in W.P.No.19806 of 2021 dated 17.09.2021 and in W.P.No.506 of 2021 dated 24.03.2021.

For Petitioner : Mr.D.Soundar Raj

For Respondents :

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

For R2 : Mr.A.Sundaravadhanam
Standing Counsel

For R3 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

This Writ Petition has been filed for a Writ of Mandamus, to direct the respondents to settle interest at the rate of 6% per annum for the belated settlement of terminal benefits to the 13 members out of total 193 members of the petitioner Association herein as per the list enclosed herewith and in the light of the orders passed by this Hon'ble Court in similar case in W.P.No.19806 of 2021 dated 17.09.2021 and in W.P.No.506 of 2021 dated 24.03.2021 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 respondents to consider the representation dated 27.09.2021 of the petitioner Association and to pay interest at the rate of 4% per annum for the belated settlement of terminal benefits to the 13 members out of total 193 members of the petitioner Association and other legal dues in six equated monthly instalments commencing from 1st December, 2021. No costs.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

rgm/arb

To

1. The Chairman of State

Transport Undertakings and
Additional Chief Secretary to Government,
Government of Tamil Nadu,
Transport Department, Chennai – 600 009.



2. The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Limited,
No.37, Mettupalayam Road, Coimbatore - 641 043.

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

+1cc to Mr.D.Soundar Raj, Advocate, S.R.No.55684

+1cc to the Government Pleader, S.R.No.56610

W.P.No.23210 of 2021

NK(CO)
RLP(24/11/2021)