



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.Nos.23346, 23350, 23352, 23354, 23355, 23358 & 23361 of 2021

(Through Video Conferencing)

1.S.Selvaraj	... Petitioner in W.P.No.23346 of 2021
2.P.Ramalingam	... Petitioner in W.P.No.23350 of 2021
3.P.Venkatesan	... Petitioner in W.P.No.23352 of 2021
4.D.Balan	... Petitioner in W.P.No.23354 of 2021
5.K.Balachandran	... Petitioner in W.P.No.23355 of 2021
6.R.Natarajan	... Petitioner in W.P.No.23358 of 2021
7.L.Eswaran	... Petitioner in W.P.No.23361 of 2021

Vs.

Tamil Nadu State Transport Corporation (Salem) Limited,
Represented by its Managing Director
No.12, Ramakrishna Road,
Salem - 7.

.. Respondent in all W.Ps

Prayer in W.P.Nos.23346, 23358 of 2021: Writ Petitions filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondent to pay the petitioners interest at the rate of 6% per annum for the belated payment of Provident Fund, Gratuity and Earned Leave Salary to pay them wages towards 45 days of earned leaves surrendered by the petitioners, while they were in service; to settle the amounts



payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit scheme, together with interest at the rate of 6% within a specified time.

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Prayer in W.P.Nos.23350, 23352, 23354, 23355 & 23361 of 2021: Writ Petitions filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondent to pay the petitioners interest at the rate of 6% per annum for the belated payment of Provident Fund, Gratuity and Earned Leave Salary to pay them wages towards 30 days of earned leaves surrendered by the petitioners, while they were in service; to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit scheme, together with interest at the rate of 6% within a specified time.

For Petitioners : Mr.V.Ajoy Khose
(In all W.Ps)

For Respondent : Mr.D.Raghu
(In all W.Ps) Standing Counsel

COMMON ORDER

These Writ Petitions have been filed for a Writ of Mandamus, to direct the respondent, to pay the petitioners interest at the rate of 6% per annum for the belated payment of Provident Fund, Gratuity and Earned Leave Salary towards wages for 30 days and 45 days of earned leaves surrendered by the petitioners, while they were in service and also to settle the amounts payable under the Social Security Scheme, Family Benefit Fund, IRT Contributions and to refund of contributions under the Post Retirement Benefit scheme, together with interest at the rate of 6% per annum 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 respondent to consider the representations of the petitioners 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 petitioners in six equated monthly instalments commencing from 1st December, 2021. No costs.

Sd/-

Assistant Registrar(CS-VIII)

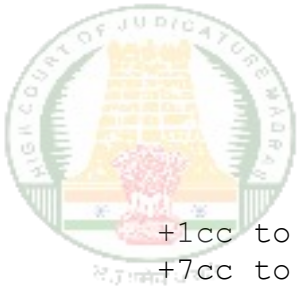
// True Copy //

Sub Assistant Registrar

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To

The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem-7.



+1cc to Mr.V.Ajoy Khose, Advocate SR.No.56454

+7cc to Mr.D.Raghu, Advocate SR.No.56350, 56351, 56352, 56353
56354, 56355, 56356

WEB COPY

W.P.Nos.23346, 23350, 23352, 23354,
23355, 23358 & 23361 of 2021

GPL (CO)
CB(30/11/2021)