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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.23464 OF 2021

(THROUGH VIDEO CONFERENCING)

D.Kasilingam (Staff No.CR 2935)

... Petitioner

.Vs.

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

2. Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Represented by its Administrator,
Thiruvalluvar Illam, 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 respondent to pay the petitioner interest at the rate of 6% per annum for the belated payment of his Provident Fund, 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 of contributions under the Post Retirement Benefit Scheme, together with interest at the rate of 6% within a specified time.

For Petitioner : Ms.H.Nandhini

For Respondents: Mr.D.Raghu
Standing Counsel



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ORDER

This Writ Petition has been filed for a Writ of Mandamus, to direct the respondents to pay interest at the rate of 6% per annum for the belated payment of the petitioner's Provident Fund, Gratuity, Commuted Value of Pension and Earned Leave Salary, to pay 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 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.

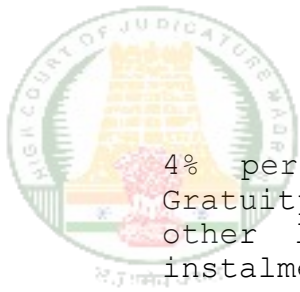
2. The First Bench of the Madurai Bench of this Court, in the above case, has directed the State Transport Corporation to settle the terminal benefits of its employees in 12 equal monthly installments and to pay interest at the rate of 6% on the terminal benefits payable to the workman. The First Bench 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 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 28.07.2021 of the petitioner and to pay interest at the rate of



4% per annum for the belated payment of Provident Fund, Gratuity, Commuted Value of Pension, Earned Leave Salary and other legal dues to the petitioner in six equated monthly instalments commencing from 1st December, 2021.

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5. In case the petitioner is also entitled to Earned Leave surrendered by the petitioner, the same shall also be paid by the respondents at the rate of 4% per annum along with the aforesaid amounts. 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) Limited,
No.12, Ramakrishna Road,
Salem - 7.
2. The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.D.Raghu, Advocate, S.R.No.56733

W.P.No.23464 of 2021

PCH(CO)
PM/30/11/2021