



WEB COURT

Prayer in W.P.No.23266 of 2021: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to pay interest at the rate of 6% per annum for the belated payment of Leave Salary, Provident Fund, Gratuity and Commutation as sought for in the petitioner's representation dated 25.09.2021.

Prayer in W.P.No.23270 of 2021: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to pay interest at the rate of 6% per annum for the belated payment of Leave Salary, Provident Fund, Gratuity and Commutation as sought for in the petitioner's representation dated 29.09.2021.

Prayer in W.P.No.23271 of 2021: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to pay interest at the rate of 6% per annum for the belated payment of Leave Salary, Provident Fund, Gratuity and Commutation as sought for in the petitioner's representation dated 30.09.2021.

Prayer in W.P.Nos.23275 & 23277 of 2021: Writ Petitions filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to pay interest at the rate of 6% per annum for the belated payment of Leave Salary, Provident Fund, Gratuity and Commutation as sought for in the petitioners representation dated 08.10.2021.

Prayer in W.P.No.23278 of 2021: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to pay interest at the rate of 6% per annum for the belated payment of Leave Salary, Provident Fund, Gratuity and Commutation as sought for in the petitioner's representation dated 13.10.2021.

For Petitioners	:	Ms.N.R.Jasmine Padma
(In all W.Ps)		
For Respondents	:	
(In all W.Ps)		
For R1 & R2	:	Mr.L.S.M.Hasan Fizal
		Government Advocate
For R3	:	Mr.C.S.K.Sathish
		Standing Counsel

COMMON ORDER

These Writ Petitions have been filed for a Writ of Mandamus, to direct the respondents to pay the petitioners interest at the rate of 6% per annum for the belated payment of Leave Salary, Provident Fund, Gratuity and Commutation 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, these Writ Petitions are disposed by directing the respondents to consider the representations of the petitioners and to pay interest at the rate of 4% per annum for the belated payment of Leave Salary, Provident Fund, Gratuity, Commutation and other legal dues to the petitioners in six equated monthly instalments commencing from 1st December, 2021. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary,
Government of Tamil Nadu,
Transport Corporation,
Fort St. George, Chennai - 9.

2.The Managing Director,
State Express Transport Corporation (TN) Limited,
Chennai - 600 002.

3.The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+lcc to Mr.L.Chandrakumar, Advocate SR. No.56338

+lcc to the Government Pleader SR. No.56630

W.P.Nos.23257, 23263, 23266, 23270, 23271,
23275, 23277 & 23278 of 2021

KG (CO)
PR (02/12/2021)