



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.Nos.23587 & 23589 of 2021

(Through Video Conferencing)

1.R.Gnanasekaran	... Petitioner in W.P.No.23587 of 2021
2.P.Dhanapal	... Petitioner in W.P.No.23589 of 2021

Vs.

1. The Managing Director, Tamil Nadu State Transport Corporation (Salem) Limited, Ramakrishna Salai, Salem - 636 007.	... 1 st Respondent in both W.Ps
2. The Administrator, Tamil Nadu State Transport Employees Post Retirement Welfare Fund Scheme, Thiruvalluvar House, Pallavan Salai, Chennai - 600 002.	... 2 nd Respondent in W.P.No.23587 of 2021
3. The General Manager, Tamil Nadu State Transport Corporation (Salem) Limited, Barathipuram, Dharmapuri Region, Dharmapuri - 636 705.	... 2 nd respondent in W.P.No.23589 of 2021

Prayer in W.P.No.23587 of 2021: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to disburse the payments relating to interest amount of Provident Fund, Gratuity, Earned Leave Salary and Commutation and other benefits like, Social Welfare Scheme Amount, ERBS Pension Amount, 7 days salary and EL Surrender Arrears and all other retirement benefits along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.02.2020.



Prayer in W.P.No.23589 of 2021: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the respondents to disburse the payments relating to Social Welfare Scheme Amount, ERBS Pension Amount, 7 days salary and EL Surrender Arrears and all other retirement benefits along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.08.2016.

For Petitioners : Mr.N.Desinghu
(In both W.Ps)

For Respondents : Mr.D.Raghu
(In both W.Ps) Standing Counsel

COMMON ORDER

These Writ Petitions have been filed for a Writ of Mandamus, to direct the respondents to disburse the payments at the rate of 12% per annum for the belated payment of Provident Fund, Gratuity, Earned Leave Salary and Commutation and other benefits like, Social Welfare Scheme Amount, ERBS Pension Amount, 7 days salary and EL Surrender Arrears and all other retirement benefits along with the entitled difference of dearness allowances with effect from 01.08.2016 and 01.02.2020 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:-



WEB COPY

"(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 20.10.2017, 08.06.2019, 10.05.2020, 02.06.2021 and 01.10.2021 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, Commutation and other legal dues to the petitioners in six equated monthly instalments commencing from 1st January, ***2022**. No costs.

Sd/-

Assistant Registrar (CS-III)

Dated:17/11/2021

***Corrected as per order of
this Court dated 22/12/2021**

Sd/-

Assistant Registrar (CS-IX)

Dated:23/12/2021

//True Copy//

Sub Assistant Registrar

arb

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Ramakrishna Salai,
Salem - 636 007.

To be substituted in the
place of order
despatched on
13/12/2021



WEB COPY

2. The Administrator,
Tamil Nadu State Transport Employees
Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

3. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Barathipuram, Dharmapuri Region,
Dharmapuri - 636 705.

+2ccs to Mr.N.Desinghu, Advocate, S.R.No.69112

+2ccs to Mr.D.Raghu, Advocate, S.R.No.57100 & 57101

W.P.Nos.23587 & 23589 of 2021

RLD(CO)
SU(22/11/2021)

srg 23/12/2021