



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.23306 & 23307 of 2021
(Through Video Conferencing)

1.D.Muruganantham	...	Petitioner in W.P.No.23306 of 2021
2.G.S.Ubendran	...	Petitioner in W.P.No.23307 of 2021

Vs

1.The Managing Director, Tamil Nadu State Transport Corporation (Villupuram Division), Vallatha Reddy Post, Villupuram.	
2.The Administrator, Tamil Nadu State Transport Corporation Employees' Pension Fund Trust, Thiruvalluvar House, Pallavan Salai, Chennai - 600 002.	... Respondents in both W.Ps

Prayer in W.P.No.23306 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representations of the petitioner dated 28.02.2020 and to pay interest at the rate of 10% for the late payment of gratuity amount and 12% interest for other legal dues and award cost.

Prayer in W.P.No.23307 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representations of the petitioner dated 26.02.2020 and to pay interest at the rate of 10% for the late payment of gratuity amount and 12% interest for other legal dues and award cost.

For Petitioners (In both W.Ps)	: Mr.S.Ravi
For Respondents (In both W.Ps)	: Mr.G.Saravana Kumar Standing Counsel



COMMON ORDER

These Writ Petitions have been filed for a Writ of Mandamus, to direct the respondents, to consider the representations of the petitioners and to pay interest at the rate of 10% per annum for the belated payment of Gratuity and 12% per annum for other legal dues 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 respondents to consider the representations of the petitioners and to pay interest at the rate of 4% per annum for the belated payment of Gratuity and other legal dues to the petitioners in six equated monthly instalments commencing from 1st December, 2021. No costs.

Sd/-

Assistant Registrar(CS VI)

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