



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.NOS.25219, 25220, 25221, 25223, 25224, 25178, 25181, 25182,
25183, 25185, 24914, 25351, 25355, 25356, 25359, 25362,
25364 OF 2021

K.MANICKAM(STAFF NO.CR 2739)
S/O.KULLU PADAYACHI ANAIPALAYAM
MANGALAPURAM POST RASIPURAM TALUK
NAMAKKAL-636 202.

... PETITIONER in WP No.25219 of 2021

S.KALAIVANAN(STAFF NO.CR 3102)
S/O.SANNASI 6/124 ARUMUGAM IYER NAGAR
THALAIVASAL POST AND TALUK SALEM -636112

... PETITIONER in WP No.25220 of 2021

T.K.MANI (STAFF NO.DR 2573)
S/O.KESAVALU NAIDU NO.1/352 PATTUTHURAI ROAD
THALAIVASAL POST AND TALUK SALEM-636112

... PETITIONER in WP No.25221 of 2021

V.KRISHNAMOORTHY (STAFF NO.MCR 120)
S/O.VENKATESAN 1ST GANDHI ROAD
SOUTH UDAYARPALAYAM AATHUR TALUK SALEM - 636102

... PETITIONER in WP No.25223 of 2021

K.PANDIYAN (STAFF NO.DR 2059)
S/O.KANDHASAMY NO.175/A AMMAN NAGAR
NARASINGAPURAM POST AATHUR TALUK
SALEM-636108

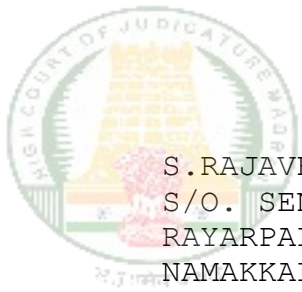
... PETITIONER in WP No.25224 of 2021

A.LAKSHMANAN (STAFF NO. DR 3433)
S/O. APPAVU NO. 13 B2 VADIVEL PILLAI
STREET THIRUCHENKODU POST NAMAKKAL 637 211

... PETITIONER in WP No.25178 of 2021

P.RAMASAMY (STAFF NO. DR 1690)
S/O. POOVAR UDAYAR NO 12 / 153
MINNAMPALLI POST SARIPATTI VIA VALAPADI
TALUK SALEM 636 106

... PETITIONER in WP No.25181 of 2021



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S.RAJAVELU (STAFF NO. CR 2836)
S/O. SENKODA NADAR MURUNGAKAADU
RAYARPALAYAM POST THIRUCHENKADU TALUK
NAMAKKAL 637 205

... PETITIONER in WP No.25182 of 2021

M.VARADHARAJAN (STAFF NO. CR 5801)
S/O. MURUGAN NO. 2 / 183-C MURUGAN
NAGAR REDDYPATTI POST NAMAKKAL 637 002

... PETITIONER in WP No.25183 of 2021

A.SUBRAMANIAM (STAFF NO. DR 2829)
S/O. ARUMUGAM NO. 628 / 7 THAZHAI
THOTTAM AADAYUR POST EDAPPADI TALUK
SALEM 636 501

... PETITIONER in WP No.25185 of 2021

S.VADIVELU (STAFF NO.CR 3039)
S/O.SADAYAN NO.3/215 MAADHANAAKANPATTI
KUTTAPATTI POST METTUR TALUK SALEM 636453.

... PETITIONER in WP No.24914 of 2021

I.RAJU (STAFF NO.CR 2812)
S/O.IYANNAN NO.1/100 PERIYANAGANUR
SARAKKAPILLAYUR POST KADAYAMPATTI TALUK
SALEM 636 305.

... PETITIONER in WP No.25351 of 2021

K.SUNDARARAJU (STAFF NO.FD 0138)
S/O.KUMARASAMY NO.8/231 MELA VEETHI
AANAYAMPATTY POST GANGAVELLI TALUK, SALEM 636 455.

... PETITIONER in WP No.25355 of 2021

D.KALYANASUNDARAM (STAFF NO.CR 2730)
S/O.DURASAMY ODAIKADU
VEPPAMPOONDI POST THALAIVASAL TALUK
SALEM 636 101.

... PETITIONER in WP No.25356 of 2021

S.S.MOHAMMED BASHA (STAFF NO.CR 2609)
S/O.SOTTE SAHIB NO.L.344
NEW HOUSING BOARD NARASINGAPURAM POST
AATHUR TALUK SALEM 636 108.

... PETITIONER in WP No.25359 of 2021

P.MARIMUTHU (STAFF NO.DR 2446)
S/O.PACHAMUTHU NO.110/27 V.O.C. NAGAR
PUTHUPETTAI POST AATHUR TALUK SALEM 636 141.

... PETITIONER in WP No.25362 of 2021



A.NATESAN (STAFF NO.CR 3092)
S/O.ARUMUGAM NO.26/15 ISHWARYA GARDEN
3RD CROSS MAVANERI SALEM 636 007.

... PETITIONER in WP No.25364 of 2021

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Vs.

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

...Sole Respondent in W.P.Nos.25351,
25355, 25356, 25359, 25362, 25364 of 2021

2. Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Rep by its Administrator,
Thiruvallur Illam, Pallavan Salai,
Chennai - 600 002.

...Respondents 1 & 2 in W.P.Nos. 25219 to 25221,
25223, 25224, 25178, 25181 to 25183, 25185, 24914 of 2021

PRAYER in W.P.Nos. 25219 to 25221, 25223, 25224, 25178, 25181 to 25183, 25185, 24914 of 2021: Petitions filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to pay the petitioners interest at the rate of 6% per annum for the belated payment of their PF, gratuity, commuted value of pension 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, as may be fixed by this Court.

Common Prayer in W.P.Nos. 25351, 25355, 25356, 25359, 25362, 25364 of 2021: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to pay the petitioners at the rate of 6% per annum for the belated payment of their PF, 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, as may be fixed by this Honourable Court.



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For Petitioners	..	Mr.V.Ajay Khose (all W.Ps)
For Respondent	..	Mrs.Rajeni Ramdoss Standing Counsel (for R.1)(all W.Ps) Mr.C.S.K.Sathish (for R.2) in W.P.Nos. 25219 to 25221, 25223, 25224, 25178, 25181 to 25183, 25185, 24914 of 2021

COMMON ORDER

In all these writ petitions, the prayer is for the grant of interest for the belated settlement of retirement benefits like P.F, Gratuity, and encashment of Earned Leave/sick leave etc. As a matter of fact, this Court, both Single Judges and Division Benches dealt with such prayer earlier for payment of interest for the belated settlement of retirement benefits to the retired transport employees.

2.The Courts have been granting payment of interest @ 4% or 6% as the case may be. In some cases, the Division Bench of this Court has granted 6% interest and in few other cases this Court has granted 4% interest. On the whole, this Court finds that, there is no consensus as to whether 4% or 6% to be granted in such matters where the employees have been settled their retirement benefits belatedly due to resource crunch faced by the State Corporation.

3. Today, when this batch of writ petitions have been taken up for hearing, there was a clamour for claiming higher interest of 6 percent and it was also opposed by the counsels who are representing the corporations. According to them in a recent decision of the learned Judge of this Court in W.P.No.23229 of 2021 dated 28.10.2021, after taking into account the various earlier orders, has granted only 4 percent interest. Per contra, the learned counsel Mr.L.Chandra Kumar and Mr.Ajay khoshe would rely on a decision of the Division Bench of this Court in W.A.(MD).No.1349 & 1350 of 2021 dated 12.07.2021, wherein there was a direction to pay 6% interest. A learned Judge of this Court following the above Division Bench Judgment in Writ Appeal No.1349 & 1350 of 2021, in a batch of Writ Petitions in W.P.Nos.15636, 15640, 15647, 15651, 15654 & 15656 of 2021 dated 29.07.2021 has once again granted 6% interest for the delayed payments. One other learned Judge of this Court vide order dated 02.07.2021 in W.P.No.10553 of 2021 has ordered 6%



percent after the expiry of 8 weeks of period of time and such percentage would become payable till the entire amounts are settled to the employees concerned.

7.All the Writ Petitions stand disposed of accordingly.
No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mrm/tri

To

1. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road, Salem - 7.
2. The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvallur Illam, Pallavan Salai,
Chennai - 600 002.

+4ccs to Mr.V.Ajay Khose, Advocate, S.R.No.64913, 64911, 64910, 64907

+4ccs to M/s.S.Rajeni Ramdoss, Advocate, S.R.No.64506, 64507, 64508, 64509

W.P.No.25219, 25220, 25221, 25223, 25224, 25178, 25181,
25182, 25183, 25185, 24914, 25351, 25355, 25356, 25359, 25362,
25364 of 2021

SR-II(CO)
RLP(27/12/2021)