



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A(MD)Nos.1419 to 1426 and 1453 of 2021

A.Tamilarasan S/o.Ammasai, Traffic Inspector (Retired), Staff No.91cr4013, Tamilnadu State Transport Corpn.(Kum) Ltd., Pudukottai Region, Rest at 3/179 Rice Mill S

... Petitioner in WA(MD). 1419 of 2021

G.Udayakumar S/o.Govindaraj , Special Grade Conductor (Retired) Staff No. 96cr1012, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Res. at Govindan

... Petitioner in WA(MD). 1420 of 2021

N.Annamalai S/o. Nallusamy, Spl. Gr.Conductor (Rtd), Staff No. 92cr2135, Tnstc(Kum) Ltd., Trichy Region, Res.At. 464a, Rajalipatti Post, T.Alai Via, Pudukottai-

... Petitioner in WA(MD). 1421 of 2021

T.Vijayakumar S/o Thirugnanam, Special Grade Driver (Retired), Staff No.99dr4035, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,

... Petitioner in WA(MD). 1422 of 2021

S.Elangovan S/o.Sundaram, Special Grade Conductor (Retired) Staff No. 88cr4072, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Pudukottai Region.

... Petitioner in WA(MD). 1423 of 2021

S.Mariappan S/o Subbiah, Special Grade Conductor (Retired), Staff No.87cr4251, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Pudukottai Region.

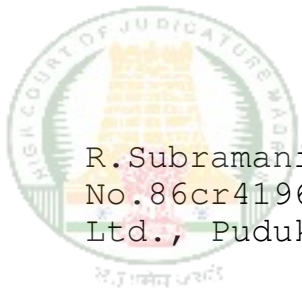
... Petitioner in WA(MD). 1424 of 2021

K.Asokan S/o.Krishnamoorthy , Selection Grade Driver (Retired) Staff No.98dr4029, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Pudukottai Region.

... Petitioner in WA(MD). 1425 of 2021

M.Thiravidaselvam S/o.Muthukumar, Special Grade Conductor (Retired), Staff No. 87cr4168, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Pudukottai

... Petitioner in WA(MD). 1426 of 2021



R.Subramanian S/o.Rengan, Special Grade Conductor (Retired), Staff No.86cr4196, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Pudukottai Region.

... Petitioner in WA(MD). 1453 of 2021

WEB COPY

- Vs. -

1. The Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Rep. by its Managing Director, Kumbakonam.

2. The General Manager Tamil Nadu State Transport Corporation (Kum) Ltd, Pudukottai Region, Pudukottai

... Respondents in WA(MD). 1419 of 2021

1. The Management of Tamil Nadu State Corporation (Kumbakonam) Ltd., Rep. by its Managing Director, New Railway Feeder Road, Kumbakonam.

2. The General Manager Tamil Nadu State Transport Corporation (Kum) Ltd, Nagapattinam Region, Nagapattinam.

... Respondents in WA(MD). 1420 of 2021

1. The Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Rep. by its Managing Director, Kumbakonam.

2. The General Manager Tamil Nadu State Transport Corporation (Kum) Ltd, Trichy Region, Trichy.

... Respondents in WA(MD). 1421 of 2021

1. The Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Rep. by its Managing Director, Kumbakonam.

2. The General Manager Tamil Nadu State Transport Corporation (Kum) Ltd, Pudukottai Region, Pudukottai

... Respondents in WA(MD). 1422 of 2021

1. The Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Rep. by its Managing Director, Kumbakonam.

2. The General Manager Tamil Nadu State Transport Corporation (Kum) Ltd, Pudukottai Region, Pudukottai

3. The Administrator Tnpsc Employees Pension Fund Trust , Thiruvalluvar Illam, Pallavan Salai , Chennai - 02.

... Respondents in WA(MD). 1423 of 2021

1. The Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Rep. by its Managing Director, Kumbakonam.

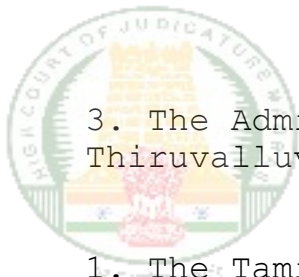
2. The General Manager Tamil Nadu State Transport Corporation (Kum) Ltd, Pudukottai Region, Pudukottai

3. The Administrator Tnpsc Employees Pension Fund Trust, Thiruvalluvar Illam, Pallavan Salai, Chennai 02.

... Respondents in WA(MD). 1424 of 2021

1. The Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Rep. by its Managing Director, Kumbakonam.

2. The General Manager Tamil Nadu State Transport Corporation (Kum) Ltd, Pudukottai Region, Pudukottai



3. The Administrator, Tnpsc Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai, Chennai - 2.

... Respondents in WA(MD). 1425 of 2021

1. The Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director, Kumbakonam.

2. The General Manager Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd, Pudukottai Region, Pudukottai.

3. The Administrator Tnpsc Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai, Chennai - 02.

... Respondents in WA(MD). 1426 of 2021

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director, Kumbakonam.

2. The General Manager The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Pudukottai Region, Pudukottai.

3. The Administrator Tnpsc Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai, Chennai-02.

... Respondents in WA(MD). 1453 of 2021

Common Prayer in WA(MD). 1419 to 1426 & 1453 of 2021 :

Writ Appeals are filed under Clause 15 of Letters of Patent Act, to set aside the order of Honourable Mr. Justice. M. Dhandapani dated 25.03.2021 passed in W.P.(MD). No. 6755, 6749, 6722, 6742, 6754, 6738, 6751, 6746, and 6804 of 2021 respectively in so far as denying interest for other terminal benefits namely Terminal Leave Salary and Provident Fund apart from Gratuity on the file of this Honourable Court for the following among other.

Prayer in WP(MD). 6755 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to directing the respondents to settle interest at the rate of 18 percentage p.a for the belated payment of petitioners terminal benefits including Gratuity, Terminal Leave Salary and provident fund from the date of his retirement to till the date on which the said benefits were settled to him and pass such further or other orders as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

Prayer in WP(MD). 6749 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or order or direction or in the nature of Writ of Mandamus, directing the respondents to settle interest at the rate of 18 percentage per annum for the belated payment of petitioners terminal benefits including Gratuity, Terminal Leave Salary, Provident Fund from the date of his retirement to till the date on which the said benefits were settled to him and pass such further or other orders as this Hon'ble Court deems fit and proper in the circumstances of the above

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Prayer in WP(MD). 6722 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to settle interest at the rate of 18 percent per annum for the belated payment of petitioners terminal benefits inculcating Gratuity, Terminal Leave Salary and Provident Fund from the date of his retirement to till the date on which the said benefits were settled to him and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.

Prayer in WP(MD). 6742 of 2021 :

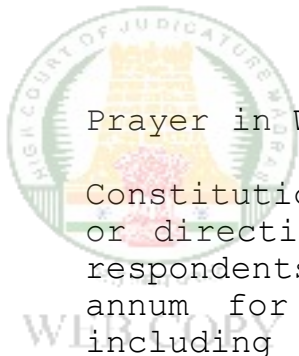
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or order or direction or in the nature of Writ of Mandamus, directing the respondents to settle interest at rate of 18 percent per annum for the belated payment of petitioners terminal benefits including Gratuity, Terminal Leave Salary and Provident Fund from the date of his retirement to till the date on which the said benefits were settled to him and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 6754 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or order or direction or in the nature of Writ of Mandamus , directing the respondents to settle interest at the rate of 18 percentage per annum for the belated payment of petitioners terminal benefits including Gratuity , Terminal Leave Salary , Provident Fund and Commuted Value of Pension from the date of his retirement to till the date on which the said benefits were settled to him and pass such further or other orders as this Hon'ble Court deems fit and proper in the circumstances of the above case and thus render justice.

Prayer in WP(MD). 6738 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or order or direction or in the nature of Writ of Mandamus, directing the respondents to settle interest at rate of 18 percent per annum for the belated payment of petitioners terminal benefits including Gratuity, Terminal Leave Salary, Commuted value of pension and Provident Fund from the date of his retirement to till the date on which the said benefits were settled to him and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.



Prayer in WP(MD). 6751 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or order or direction or in the nature of Writ of Mandamus , directing the respondents to settle interest at the rate of 18 percentage per annum for the belated payment of petitioners terminal benefits including Gratuity , Terminal Leave Salary , Provident Fund and Commuted Value of Pension from the date of his retirement to till the date on which the said benefits were settled to him and pass such further or other orders as this Hon'ble Court deems fit and proper in the circumstances of the above case and thus render justice.

Prayer in WP(MD). 6746 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or order or direction or in the nature of Writ of Mandamus , directing the respondents to settle interest at the rate of 18 percentage per annum for the belated payment of petitioners terminal benefits including Gratuity , Terminal Leave Salary , Provident Fund and Commuted Value of Pension from the date of his retirement to till the date on which the said benefits were settled to him and pass such further or other orders as this Hon'ble Court deems fit and proper in the circumstances of the above case and thus render justice.

Prayer in WP(MD). 6804 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to settle interest at the rate of 18 per cent per annum for the belated payment of petitioners terminal benefits including Gratuity, Terminal Leave Salary, Commuted Value of Pension and Provident Fund from the date of his retirement to till the date on which the said benefits were settled to him and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

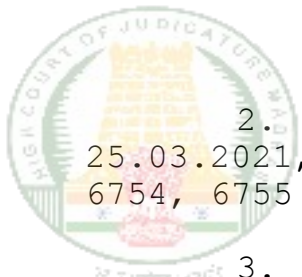
For Petitioner : Mr. A. Rahul (in all W.As)

For Respondents : Mr. P.Balasubramanian
Standing Counsel (in all W.As)

COMMON JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.A.Rahul, learned counsel appearing for the appellant and Mr.P.Balasubramanian, learned Standing Counsel appearing for the respondents.



2. These appeals are filed against the order dated 25.03.2021, passed in W.P(MD).Nos.6722, 6738, 6742, 6749, 6751, 6754, 6755 and 6804 of 2021.

3. Identical issue was considered by us in W.A(MD).Nos.1349 and 1350 of 2021, dated 12.07.2021. We have allowed the appeal filed by the workman in part by assigning the following reasons:

"The appellants who are the retired workmen of the respondent Corporation are not aggrieved by the entirety of the impugned order, but only insofar as it has declined the payment of interest on the belated payment of Provident Fund and Earned Leave Salary. Undisputed facts are that the appellant V.Rajendran retired during June 2019 and the appellant S.Gnanasekaran retired in April 2019 and their retirement benefits were settled only on 30.01.2021. So far as the gratuity is concerned, since it is a reward for the past services and not a bounty, statutorily the respondent Corporation is bound to pay interest. Therefore, the learned Single Bench rightly directed for payment of interest at 6% p.a. on the belated payment of gratuity.

5. So far as the Provident Fund and Earned Leave Salary are concerned, the learned Single Bench has denied the same on the ground of pandemic. This, in our considered view, is untenable because, the Provident Fund and Earned Leave Salary have also been held to be retirement benefits and any delay in settling the same would attract interest payable for the delay. The decision of the Hon'ble Supreme Court in **S.K.Dua Vs. State of Haryana and another in Civil Appeal No.184 of 2008 dated 09.01.2008**, will come to the aid and assistance of the appellants. Therefore, we are of the clear view that the delay in payment of Provident Fund and Earned Leave Salary also to be compensated by payment of interest, which we fix at 6% p.a. It is submitted before us that insofar as appellant Rajendran, the retirement benefits were settled 21 months after he retired and insofar as Gnanasekaran, it was settled after 19 months he retired from service.

6. In the light of the above, these Writ Appeals are allowed and that portion of the impugned orders declining grant of interest on belated payment of Provident Fund and Earned Leave Salary is set aside and the respondent Corporation is directed to pay interest at the rate of 6% p.a. for the period of delay. This direction be complied with within a period of six [6] weeks from the date of receipt of a copy this judgment. However, there shall be no order as to costs."



4. The case on hand is not different from the case referred supra. Therefore, applying the above decision, these **Writ Appeals are allowed** and the respondent-Corporation is directed to pay interest at the rate of 6% per annum on the Terminal Leave Salary, Provident Fund and Commuted Value of Pension from the date of his retirement to till the date on which the benefits are settled to the appellant at the rate of 6% per annum. This direction be complied with within a period of six weeks from the date of receipt of a copy of this judgment. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director
Kumbakonam
2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.
3. The General Manager
Tamil Nadu State Transport Corporation (Kum) Ltd,
Nagapattinam Region, Nagapatinam.
4. The General Manager
Tamil Nadu State Transport Corporation (Kum) Ltd,
Trichy Region, Trichy.
5. The Administrator
Tnsc Employees Pension Fund Trust ,
Thiruvalluvar Illam, Pallavan Salai , Chennai - 02.



+1 CC to M/s.A.RAHUL, Advocate (SR-23906[F] dated 26/07/2021)

+1 CC to M/s.P.BALASUBRAMNIAN, Advocate (SR-24099[F] dated 28/07/2021)

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W.A(MD)Nos.1419 to 1426 and 1453 of 2021
26.07.2021

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