

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.14340 of 2014

R.Lakshmanan

.. Petitioner

Vs.

1 The Secretary to Government,
Highways & Small Ports (H2) Department,
Fort St. George, Chennai - 9.

2 The Chief Engineer,
Commercial & Maintenance,
Chepauk, Chennai - 5. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus directing the respondents to pay interest for the belated payment of gratuity amount for the period from 01.05.2009 to 14.03.2014 @ 18% p.a. within a reasonable time and grant such further or other relief.

For Petitioner : Mrs. T.Rajarathi
For Respondents : Mr.P.Sanjay Gandhi
Addl. Govt. Pleader

ORDER

The petitioner worked as Assistant Engineer and on attaining the age of superannuation retired from service on 30.4.2009. The grievance of the petitioner is that he was not paid Gratuity amount within the statutory period. The petitioner therefore submitted a representation on 03.4.2014 requesting the first respondent to pay him interest during the period of delay. The present request is to direct the first respondent to consider and dispose of the said representation on merits.

2. The Supreme Court in D.D.Tewari (D) Through Lrs. vs. Uttar Haryana Bijli Vitran Nigam Ltd. & Ors., 2014 (9) Scale 78, indicated that in case the amount due to the employee is withheld, the same would give rise to a claim for payment of interest. The Supreme Court in the subject case, found that the respondents have erroneously withheld payment of gratuity amount and therefore, a direction was issued to give interest @ 9% from the date of entitlement till the date of actual payment.

3. The authority, who is responsible for the belated payment should compensate the party who is entitled to receive the money. In view of the same, the petitioner is perfectly correct in his contention that the first respondent is bound to pay him interest.

4. In the result, a writ in the nature of a writ of mandamus is issued directing the first respondent to pay interest to the petitioner during the period of delay at 9% p.a. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

The writ petition is allowed to the extent indicated above. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1 The Secretary to Government,
Highways & Small Ports (H2) Department,
Fort St. George, Chennai - 9.

2 The Chief Engineer,
Commercial & Maintenance,
Chepauk, Chennai - 5.

+ 1 cc to Mr.M. Muthappan, Advocate SR. 9752

W.P.No.14340 of 2014

SR(CO)
EU 11.03.2015

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