

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31956/2015

P.Sivalingam

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Petitioner

Versus

The Managing Director
Tamilnadu State Transport Corporation
No.37, Mettupalayam Road,
Coimbatore.

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Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondent to pay a compound interest @ 15% per annum for Gratuity amount of Rs.811,200/- from 01.07.2012 to 08.5.2015 and disburse the leave surrender salary to the tune of Rs.4,73,848.50p. together with a compound interest at the rate of 15% from 30.06.2012 to till the date of disbursement.

For Petitioner : Mr.O.Ponnambala Thiyagarajan
For Respondents : Mr.S.Sairaman

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner retired as an Assistant Manager on 30.06.2012. According to him, in terms of section 7[3] of Payment of Gratuity Act, the respondent Corporation is bound to pay the Gratuity within 30 days from the date of retirement and in the event of failure to do so, they are bound to pay interest for the delayed period as contemplated under section 7[3][A] of the said Act. The petitioner would state that though he was retired from service as early as on 30.06.2012, the respondent has paid the Gratuity amount to the tune of Rs.8,11,200/- only on 08.05.2015, after a lapse of nearly 3 years and therefore, in terms of the above said statutory provisions, he is entitled to get interest. The further grievance expressed by the petitioner is that the respondent is also bound to disburse the Leave Surrender Salary amount to the tune of Rs.4,73,848.50p., and it is due and payable from 30.06.2012 and since it has not been disbursed so far, he is entitled to get 15% interest on the said

amount from 30.06.2012 to till date of full and final settlement. In this regard, the petitioner has submitted a representation dated 22.07.2015 to the respondent Corporation and since no orders have been passed, the petitioner came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.S.Sairaman, learned counsel who accepts notice on behalf of the respondent.

4 This Court, in the light of the above facts and circumstances, directs the respondent to consider and dispose of the petitioner's representation dated 22.07.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5 The writ petition is disposed of accordingly. No costs.

AP

s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

The Managing Director
Tamilnadu State Transport Corporation
No.37, Mettupalayam Road, Coimbatore.

+ 1 cc to Mr.G.Ponnam Bala Thiyagarajan, Advocate SR 55020

+ 1 cc to Mr.S.Sairaman, Advocate SR 54992

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