

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31971/2015

J.Jayabalan

..Petitioner

Versus

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

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondent to pay the Gratuity amount of Rs.8,22,575/- together with compound interest @ 15% per annum for from 30.04.2013 and disburse the leave surrender salary to the tune of Rs.5,30,526.50p., together with compound interest at the rate of 15% from 30.04.2013 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 from the respondent Corporation as Senior Superintendent on 30.04.2013. 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 grievance expressed by the petitioner is that even as on today, the Gratuity amount has not been paid and in the light of the above said statutory provision, he is also entitled to the interest on the non-payment of Gratuity @ 15% p.a. 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.5,30,526.50p., and it is due and payable from 30.04.2013 and since it has not been disbursed so far, he is entitled to get 15% interest on the said amount from 30.04.2013 to till date of full and final settlement. In this regard, the petitioner has submitted a representation dated 27.06.2013 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 27.06.2013 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.

sd/
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.Ponnambala Thiyagarajan ADVOCATE.
SR.NO. 55021
+1 CC to MR.S.Sairaman ADVOCATE. SR.NO.54991

W.P.No.31971/2015

CO-RV
JD 26/10/2015

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