

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4587 of 2016

Palaniappan

.. Petitioner

vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Local Administration Department,
Fort St.George, Chennai.

2.The Commissioner,
Mettur Municipality,
Mettur Dam-636 401.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to make the payment of Rs.3,65,815/- and any other payment due to the petitioner together with accrued interest at the rate of 24% per annum till the date of making the payment within a specified period.

For Petitioner : M/s.M.L.Ramesh

For Respondents : Mr.R.Rajeswaran,
Special Government Pleader for R1

Mr.S.Saravanan for R2

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondents to make the payment of Rs.3,65,815/- and any other payment due to the petitioner together with accrued interest at the rate of 24% per annum till the date of making the payment within a specified period.

2. The case of the petitioner is that the petitioner was appointed in the second respondent Municipality in the year 1965 and had served as Revenue Assistant and retired on 30.06.2003 and after retirement, he had applied for Gratuity and the second

respondent had paid a sum of Rs.1,40,646/- towards Gratuity payment. The petitioner would further state that a deduction was made from the year 1995 till the year 2003 and for payment of this amount, the second respondent had not calculated the interest and the petitioner had been repeatedly insisting the second respondent to calculate the interest payable to him for the deduction of his Gratuity amount, however, no response was forthcoming and hence, came forward with this writ petition.

3. The learned Special Government Pleader appearing for the first respondent would submit that in so far as the petitioner is concerned, interest of Rs.3,65,815/- is due for the period from 1995-1996 to 2004-2005 for the entire employees including retired pensioners of over 470 persons and the financial position of the Municipality is not satisfactory and even salary to the employees is not paid on the first working day of the month and paid only during the 3rd week or 4th week of the month and further, the share of interest of the petitioner will be paid immediately as and when the financial position of the Municipality improves.

4. Keeping in view the submission made by the learned Special Government Pleader and taking into consideration of the fact that the petitioner had retired during the year 2003 and 13 years had elapsed, the petitioner cannot be made to wait perpetually. Hence, this Court directs the respondents to calculate interest for payments to be made to the petitioner and pay the same within a period of six weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

सत्यमेव जयते
Sub-Assistant Registrar

jvm
To

1.The Secretary,
The Government of Tamil Nadu,
Local Administration Department,
Fort St.George, Chennai.

2.The Commissioner,
Mettur Municipality,
Mettur Dam-636 401.

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+1 cc to Mr.S.Saravanan Advocate sr 52422
+1 cc to Government Pleader vide sr 52525
+1 cc to Mr.M.L.Ramesh Advocate sr 52194

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