



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.A.[MD].No.1583 of 2016

M.Petchimuthu

: Appellant

Vs.

1. Tamil Nadu State Transport Corporation
[Madurai] Ltd.,
Rep by its Managing Director,
Head Office, Bypass Road, Madurai 625 010.

2. The General Manager,
Tamil Nadu State Transport Corporation
[Madurai] Ltd.,
Dindigul Region, Dindigul.

3. The Branch Manager,
Tamil Nadu State Transport Corporation
[Madurai] Ltd.,
Dindigul 1, Branch, Dindigul.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 16.11.2012 made in W.P.(MD).No.12824 of 2012, on the file of this Court.

Prayer in WP(MD). 12824/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the action of the respondents in ordering recovery of Rs. 47,520/- from the petitioner towards non-implemented punishment of increment cut imposed on the petitioner and also in refusing to settle the petitioner's pension benefits on the ground that the petitioner did not pay the recovery amount of Rs. 47,520/- to the respondents as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to settle the petitioner's pension benefits including gratuity, provident fund accumulation, commutation amount, encashment of leave salary and other attendant retiral benefits together with interest at the rate of 12% per annum payable to the petitioner with effect from 31.07.2012 to till the date on which the above benefits are settled to the petitioner.



For Appellant : Mr.A.Rahul
For Respondents : Mr.A.Jeyaram
Standing Counsel

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JUDGMENT

[Judgment of the Court was made by R.SUBBIAH, J.]

This Writ Appeal has been filed as against the order 16.11.2012 made in W.P.(MD).No.12824 of 2012.

2. The said Writ Petition was filed by the appellant herein seeking a Writ of Declaration, declaring that the action of the respondents in ordering recovery of 47,520/- from him towards non-implemented punishment of increment cut imposed on him and also in refusing to settle the pension benefits on the ground that the appellant did not pay the recovery amount of Rs.47,520/- to the respondents as illegal and for a consequential direction to the respondents to settle the pension benefits including gratuity, provident fund accumulation, commutation amount, encashment of leave salary and other attendant retiral benefits together with interest at the rate of 12% per annum with effect from 31.07.2012 to till date, on which date the above benefits were settled to the appellant.

3. It is the submission of the learned counsel for the appellant that though the learned Single Judge directed the respondents herein to settle all the terminal benefits, without any recovery, to the appellant, within a period of eight weeks from the date of receipt of a copy of the order, there was no direction to the respondents to pay interest for the belated payment. It is the further submission of the learned counsel for the appellant that the appellant made a specific prayer in the Writ Petition filed by him relating to interest.

4. The learned Standing Counsel for the respondents vehemently opposed the prayer sought for by the appellant on the ground that the delay in payment was only on the part of the appellant and thus, the respondents are not liable to pay interest for the belated payment.

5. In our considered view, the learned Single Judge has not specifically rejected the claim of the appellant relating to interest for the belated payment and hence, the appellant is entitled for interest at 6%.

6. In the result, the Writ Appeal is allowed and the respondents are directed to pay interest at the rate of 6% per annum



for the belated payment. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this Judgment. No costs.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation [Madurai] Ltd.,
Head Office, Bypass Road, Madurai 625 010.
2. The General Manager,
Tamil Nadu State Transport Corporation [Madurai] Ltd.,
Dindigul Region, Dindigul.
3. The Branch Manager,
Tamil Nadu State Transport Corporation [Madurai] Ltd.,
Dindigul 1, Branch, Dindigul.

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 3891

NB

TE/CM-MSA : 09/02/2017 : 3P/5C

JUDGMENT MADE IN
W.A.[MD].No.1583 of 2016
24.01.2017