

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 25.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI
W.P.No.17754 of 2018

P.Jayakumar

..Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
37, Mettupalayam Road,
Coimbatore - 641 043
2. The Administrator,
The Tamil Nadu State Transport Corporation ,
Pension Fund Trust,
Thiruvallur House, Pallavan Salai,
Chennai 600 002 .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents for payment of interest to him for the delayed payment of Gratuity, Commutation, Leave Salary and all other terminal benefits by stipulating rate of interest by this Court for the interest amount towards terminal benefits by fixing the time limit for payment.

For Petitioner : Mr.A.Rajendran
For Respondents : Mr.P.Kannan Kumar
Standing counsel

ORDER

The case of the petitioner is that he joined in the Respondent Corporation as Company Apprentice on 01.04.1989, further promoted as Selection Grade Senior Assistant and on attaining the age of superannuation, he was retired on 31.07.2012. 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 31.07.2012, the respondent has paid the Gratuity amount to the tune of Rs.3,14,295/- only on 13.05.2015, 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 and it is due and payable from 31.07.2012 and since it has not been disbursed so far, he is entitled to get interest on the said amount from 31.07.2012 to till date of full and final settlement. In this regard, the petitioner has submitted a representation dated 30.06.2018 to the 1st 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.P.Kannan Kumar, Standing counsel learned counsel who accepts notice on behalf of the respondents.

4 Regard being had to the facts and circumstances, especially considering the nature of relief sought for by the petitioner, this Court directs the 1st respondent to consider and dispose of the petitioner's representation dated 30.06.2018 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 IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
37, Mettupalayam Road,
Coimbatore - 641 043
2. The Administrator,
The Tamil Nadu State Transport Corporation Limited,
Pension Fund Trust,
Thiruvallur House, Pallavan Salai,
Chennai 600 002

+2 CC TO MR.P.KANNAN KUMAR Advocate SR.NO. 50898
+1 CC TO MR.A.RAJENDHIRAN Advocate SR.NO. 49932

W.P.No.17754/2018

ASK(03/09/2018)