

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.10.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.28285 of 2018

C.Subramani

....Petitioner

Vs

1. Tamil Nadu State Transport Corporation (Villupuram) Ltd.

Rep. by. The Managing Director,
3/137, Salamedu,
Valudha Reddy Post,
Villupuram - 605 602

2. Tamil Nadu State Transport Corporation (Villupuram) Ltd.

Rep. by The General Manager,
Kancheepuram Regional Office, Karapettai,
Chennai - Bangaluru Highway,
Kancheepuram - 631 552

3. The Administrator,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.

Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002 ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to pay interest amounts to the Service Gratuity amount of Rs.5,51,963/- (Rupees Five Lakhs Fifty One Thousand Nine Hundred and Sixty Three only) at the rate of 6% per annum for 26 months of delayed payment, and also for the Leave Salary amount of Rs.3,67,230/- (Rupees Three Lakhs Sixty Seven Thousand Two Hundred and Thirty only) at the rate of 6% per annum for the 6 months of delayed payment in accordance with the orders dated 09.07.2018 of the Hon'ble Division Bench of this Hon'ble Court made in W.A.No.665 of 2018 and C.M.P.No.6352 of 2018 by considering and passing orders on the representation dated 23.08.2018 to the petitioner.

For Petitioner : Mr.N.Ishak

For Respondents : Mr.P.Kannankumar
Standing Counsel

ORDER

The grievance of the petitioner is that though he has been released his terminal benefits such as DCRG, leave salary, etc., including pension there was delay in payment. Therefore he has made a representation to the

first respondent on 23.08.2018 seeking payment of interest for such delayed payment inasmuch as according to the petitioner he is legally entitled to the same. The petitioner therefore, made a representation claiming the same. But his representation having evoked no response, he has come to this Court seeking a writ of mandamus directing the respondents to dispose of his representation in a time bound manner.

2. The learned counsel appearing for the petitioner, submits that in view of the settled position of law laid down by the Division Bench of this Court in W.A.No.665 of 2018 i.e. The Managing Director Vs. C.R.Rangaraju, the petitioner is entitled to the aforesaid interest for such delayed payment. His representation in this regard in spite of the same, having evoked no response, he has come to this Court seeking the relief as stated earlier. Hence, the writ petition be disposed of in view of the limited nature of relief without seeking reply affidavit.

3. Mr.P.Kannankumar, learned Standing Counsel appearing for the respondents, submits that the respondents shall have no objection to consider such representation in a time bound manner, but this Court should not pass any order on merit of the same inasmuch as the merit of such representation has not been examined by this Court yet and no reply affidavit has been filed by the respondents.

4. Regard being had to the aforesaid facts and submissions made, this Court therefore dispose of this writ petition without seeking reply affidavit at the stage of admission with a direction to the second respondent to take an informed and considered decision on such representation of the petitioner for payment of interest keeping in mind the law laid down by the Division Bench of this Court in the case of C.R.Rangaraju (supra), within a period of six weeks from the date of receipt of a copy of this order, if there is no other legal impediment. However, it is made clear that this Court has expressed no opinion on merit of such representation and as such there is no fetter on the part of the respondents to dispose of the representation in any particular manner except within the time stipulated and also in the manner known to law. Copy of the order in the case of C.R.Rangaraju (supra) be also annexed by the petitioner along with the copy of this order.

5. With the aforesaid order, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Ccc)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram)
Ltd.

3/137, Salamedu,
Valudha Reddy Post,
Villupuram - 605 602

2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram)
Ltd.

Kancheepuram Regional Office, Karapettai,
Chennai - Bangaluru Highway,
Kancheepuram - 631 552

3. The Administrator,
Tamil Nadu State Transport Corporation (Villupuram)
Ltd.

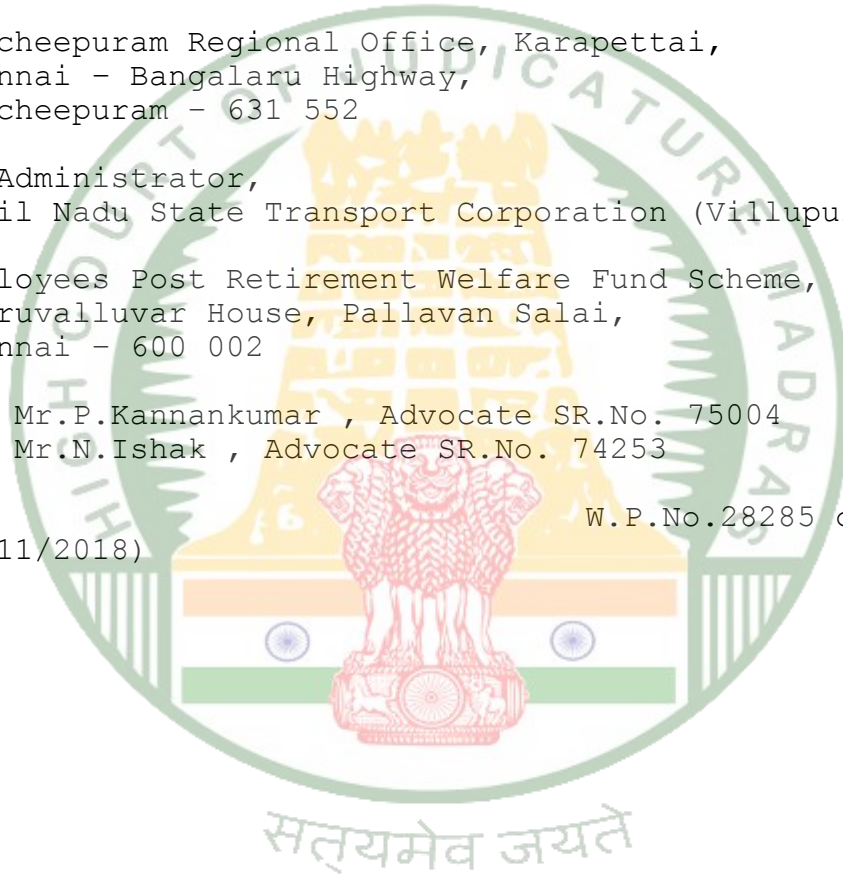
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002

+1cc to Mr.P.Kannankumar , Advocate SR.No. 75004

+1cc to Mr.N.Ishak , Advocate SR.No. 74253

W.P.No.28285 of 2018

ASK(28/11/2018)



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