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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No. 30436 of 2018

K.Tharanipathy

... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy - Post,
Villupuram - 605 602.

... 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 @ 6% per annum for the belated payment of the Gratuity amount and leave liability to the petitioner by following the order passed in W.A.No.665 of 2018 and C.M.P.No.6352 of 2018 dated 13.07.2018.

For Petitioner	:	Mr.V.S.Jagadeesan
For Respondents	:	Mr.A.N.Thambidurai Special Government Pleader

ORDER

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.The prayer made in this writ petition is to direct the respondents to pay interest @ 6 % per annum for the belated payment of the Gratuity and leave liability to the petitioner by following the earlier order of this Court dated 13.07.2018 passed in W.A.No.665 of 2018 and C.M.P.No.6352 of 2018.



3. When the matter was taken up for consideration, the learned counsel for the petitioner submitted that in an identical case in W.A.No.665 of 2018 and C.M.P.No.6352 of 2018, this Court passed following order on 13.07.2018:

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"6....there will be a direction to the Managing Directors of the Tamil Nadu State Transport Corporations, to compute interest at the rate of 6% per annum on the delayed disbursement/payment of retirement benefits including encashment/ disbursement of surrender leave salary, to all those who have filed the writ petitions/contempt applications, as well as others, covered under the orders of this Court in C.M.P.No.6352 of 2018 in W.A.No.665 of 2018, dated 28.03.2018 and 28.04.2018, within two months from today. Interest has to be calculated as ordered above.

7. Payment of the first instalment should be made on or before 13.08.2018 and payment of the second instalment should be made on or before 13.09.2018. In the event of default or failure to make the payment of interest, as ordered within the stipulated period, the first instalment or the second instalment, as the case may be, it is made clear that the interest at the rate of 9% per annum would be applicable on the amount remaining unpaid. In case of default, it is open to the retired employees to bring it to the notice of this court, and in that event, this Court would be constrained to consider invoking the provisions of the Contempt of Courts Act, 1971."

Therefore, the learned counsel sought a similar order in this writ petition as well, for which, the learned Special Government Pleader appearing for the respondents has no serious objection.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the claim of the petitioner and pass appropriate orders, on merits and in accordance with law and also in the light of the order dated 13.07.2018 passed in W.A.No.665 of 2018 and C.M.P.No.6352 of 2018 (cited supra), after affording an opportunity of personal hearing to the petitioner as well as any of the interested parties, within a period of six weeks from the date of receipt of copy of this order.



5. Accordingly, this writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msv

To

1.The Principal Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy - Post,
Villupuram - 605 602.

+lcc to Mr.V.S.Jagadeesan, Advocate sr.no.78940

+lcc to Government Pleader sr.no.79550

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nr 03/01/2019