

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.11.2018
CORAM
THE HONOURABLE Dr.JUSTICE S.VIMALA

W.P.No.31675 of 2018

T.Sundaresan

...Petitioner

Versus

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy Post,
Salamedu, Villupuram- 605 602.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region, Vellore - 632 009. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay the Differential of Gratuity Rs.77,789/- along with interest at the rate of 18% within the stipulated time.

For Petitioner : Mr.I.Pradeep

For Respondents : Mr. A. Antony Arockiaraj,
Standing Counsel.

ORDER

The writ petition has been filed by the petitioner seeking, to direct the respondents to pay the Differential Gratuity of a sum of Rs.77,789/- along with interest at the rate of 18% within the stipulated time.

2. It is submitted that the petitioner joined in service in the erstwhile Pallavan Tansport Corporation on 18.10.1979 as Conductor and retired from service as Checking Inspector on 30.11.2010. It is the grievance of the petitioner that at the time of retirement, the petitioner received the D.A at 45% but it was not calculated as per the norms. It is the case of the petitioner that the respondents, vide letter dated 26.11.2016, admitted that there is difference in Gratuity in a sum of Rs.77,789/- and stated that it will be paid as per the norms and seniority in due course. Learned counsel for the petitioner submits that the differential amount shall be paid with interest at 18% per annum.

3. Mr.A.Antony Arockiya Raja, learned Standing Counsel for the respondents takes notice and submits that as per the ratio laid down by this Court in WP.No.43667 of 2016, which has been upheld by the Division Bench of this Court in W.A.No.665 of 2015, interest on belated payments of terminal benefits to the retired employees could only be at the rate of 6%.

4. Following the earlier order of this Court, this Court is of the view that it would be suffice to direct the respondents to pay interest at the rate of 6% p.a. on the belated payment of terminal benefits to the petitioner within a particular time frame in the light of the ration laid down in the directions noted above.

6. In the above circumstances, this writ petition is disposed of directing the respondents to pay Rs.77,789/- (difference in gratuity) with interest at the rate of 6% p.a. on the belated payment of terminal benefits to the petitioner in the light of the order of this Court as noted above in (in para 3) WP.No.43667 of 2016 & W.A.No.665 of 2015, within a period of one month from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kst/klt

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy Post,
Salamedu, Villupuram- 605 602.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region, Vellore - 632 009.

+1cc to Mr.K.Kulandaivelu, Advocate, S.R.No.82280
+1cc to Mr.J.Pradeep, Advocate, S.R.No.82331

W.P.No.31675 of 2018

MR(CO)

rrs 02/01/2019