



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.06.2018
CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.13810 of 2018

A.Sivaniah

...Petitioner

Vs.

Arasu Rubber Corporation Ltd.,
Vadachery, Nagercoil - 1
Represented by its Managing Director.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to release the petitioner's terminal benefits amounting Rs.25,00,000/- with 12% interest from the date of petitioner's retirement namely 31.10.2017 till payment.

For Petitioner : Mr.T.S.R.Venkataramana

For Respondent : Mrs.S.Srimathy,
Special Government Pleader.

O R D E R

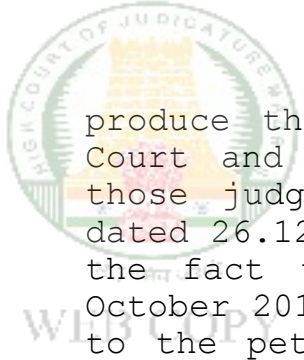
The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondent to release the terminal benefits amounting Rs.25,00,000/- with 12% interest from the date of petitioner's retirement, namely 31.10.2017 till payment.

2. Heard Mr.T.S.R.Venkataramana, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondent.

3. It is the case of the petitioner that, the petitioner joined service at the respondent Corporation as Marketing Manager on 21.11.1987. After having served for long years, he retired on superannuation on 31.10.2017 from the post of Divisional Manager at Nagercoil.

4. Even though the petitioner got retired in the month of October 2017, his retirement benefits including Gratuity, Earned Leave Encashment and other benefits have not been paid to the petitioner. Therefore, the petitioner in this regard, has made a request on 10.12.2017, where he has quoted some orders passed by this Court as well as the Hon'ble Apex Court as a precedent.

5. On receipt of the said representation, the respondent Corporation by letter dated 18.12.2017 asked the petitioner to



produce the judgments of this Court as well as the Hon'ble Apex Court and in response to the same, the petitioner also produced those judgments along with the detailed reminder / reply letter dated 26.12.2017. In spite of all these communications and in spite of the fact that the petitioner retired as early in the month of October 2017, the retirement benefits, since have not been disbursed to the petitioner and no reply has come from the respondent, the petitioner is before this Court with the aforesaid prayer.

6. Learned counsel for the petitioner would submit that the retirement benefits including the Gratuity, Encashment of Earned leave salary cannot be withheld by the respondent for any reason and since the respondent has withheld the same for the past more than six months, the said amount shall be directed to be disbursed to the petitioner with nominal interest.

7. I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondent, who would submit that, whatever the retirement benefits, for which, the petitioner is entitled, certainly, the same will be considered and disbursed in this regard and with respect to the petitioner's representation dated 10.12.2017, it would be considered on merits and an order to that effect would be passed within a time frame that may be fixed by this Court.

8. I have considered the submissions made by both sides and in view of the limited scope of the Writ Petition, this Court is inclined to pass the following order:

" that the respondent shall consider the request of the petitioner dated 10.12.2017 and his reply dated 26.12.2017 with regard to the claim of retirement benefits including Gratuity, Encashment of Leave Salary and pass orders on merits for disbursing the said amount to the petitioner and the needful shall be undertaken by the respondent, within a period of six weeks from the date of receipt of a copy of this order."

9. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To
The Managing Director,
Arasu Rubber Corporation Ltd.,
Vadachery,
Nagercoil - 1



+1CC to Mr.T.S.R.Venkat Ramana Advocate in SR.No.70200.

+1CC to Mr.S.M.S.Johnny Basha Advocate in SR.No.76385.

+1CC to Special Government Pleader in SR.No.70498.

STS

KK/SV/SAR-2 :02.07.2018: 3P/5C

Order made in
W.P. (MD) No.13810 of 2018
28.06.2018