



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) Nos.14141 of 2018

WEB COPY

B.Subbaraj

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Corporate Office, K.T.C.Nagar,
Palayamkottai,
Tirunelveli - 11.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Corporate Office, K.T.C.Nagar,
Palayamkottai,
Tirunelveli - 11.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction and settle the Retirement Benefits such as unpaid surrendered leave salary in the category of Assistant Engineer for 30 days, unpaid surrendered leave salary in the category of Assistant Manager for 167 days and unlearned leave on private affairs for 90 days along with interest and for belated payment of interest on Gratuity and other retirement benefits applicable to the Managerial cadre along with 18% interest per annum within a stipulated period.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.K.Sathiya Singh

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to sanction and settle the Retirement Benefits such as unpaid surrendered leave salary in the category of Assistant Engineer for 30 days, unpaid surrendered leave salary in the category of Assistant Manager for 167 days and unlearned leave on private affairs for 90 days along with interest and for belated payment of interest on Gratuity and other retirement benefits applicable to the Managerial cadre along with 18% interest per annum within a stipulated period.

2.Heard Mr.S.Govindan, learned counsel appearing for the petitioner and Mr.K.Sathiyasingh, learned standing counsel appearing for the respondents.



3.The learned counsel appearing for the petitioner would submit that the petitioner after having worked for several years at the respondent Corporation, retired from service on 30.06.2017. After the retirement, the retiral benefits had been paid to the petitioner. However, the leave salary has not been paid and also the gratuity amount was paid belatedly. Therefore, the petitioner would be entitled to get the leave salary with interest as well as the interest for the belated payment of gratuity from the respondents. In this regard, the petitioner has made a representation on 09.08.2017. However, the respondents so far have not acted upon. Therefore, the petitioner is before this Court.

4.I have heard the learned standing counsel appearing for the respondents, who would submit that the entire retiral benefits had been paid to the petitioner and if at all, the leave salary is to be paid, that also would be paid shortly and insofar as the belated payment of gratuity, the nominal interest of 6% would be paid to the petitioner and all these payments would be made to the petitioner, within a period of eight weeks.

5.Recording the said submissions made by the learned standing counsel appearing for the respondents, this writ petition is disposed of with the following direction:

"The respondents shall calculate and disburse the leave salary with interest from the date of due till the date of payment and also calculate the interest at the rate of 6% per annum for the belated payment of gratuity from the date of due till the date of payment and all these payments shall be made to the petitioner, within a period of two months from the date of receipt of a copy of this order.

It is made clear that within the said two months, if the 6% interest are not paid, the same shall carry further interest of 18% per annum on the expiry of two months period."

6.With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

+1CC to Mr.S.Govindan, Advocate, SR.No.70780

+1CC to Mr.K.Sathiya Singh, Advocate, SR.No.70959

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