



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2018

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

W.P(MD)Nos.15994 and 16035 of 2018

C.Thiyagarajan ... Petitioner in W.P(MD)No.15994/2018  
C.Mathiyazhagan ... Petitioner in W.P(MD)No.16035/2018

**Vs.**

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
rep. by its Managing Director,  
Bye Pass Road, Kumbakonam-612 401.
2. The General Manager,  
Tamil Nadu State Transport Corporation(Kumbakonam) Ltd.,  
Kumbakonam Region, Kumbakonam. ... Respondents in  
both petitions

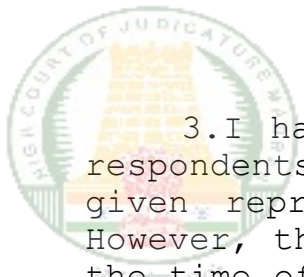
**Common Prayer:** These Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle interest for the belated payment of the petitioners' terminal benefits including gratuity and leave salary from the date of the petitioners' retirement to till the date on which the said benefits were settled to them.

For Petitioners : Mr.A.Rahul  
For Respondents : Mr.D.Sivaraman, Standing Counsel

**COMMON ORDER**

The prayer sought for in these writ petitions is for a Writ of Mandamus, directing the respondents to settle interest for the belated payment of the petitioners' terminal benefits including gratuity and leave salary from the date of the petitioners' retirement to till the date on which the said benefits were settled to them.

2.The petitioners joined service as Conductors at the respondent Corporation on 12.11.1978 and 18.05.1979 and they retired from service on superannuation on 30.06.2011. Though the respondents have settled the dues, the grievance of the petitioners is that the said retiral benefits have been settled belatedly and therefore, in order to get interest for the said belated settlement of retiral benefits, the petitioners have given individual representations 31.03.2018 and 26.03.2018 respectively and if the said representations are directed to be considered on merits, within a time frame, the petitioners would be satisfied.



3.I have heard the learned standing counsel appearing for the respondents, who would submit that no doubt, the petitioners have given representations on 31.03.2018 and 26.03.2018 respectively. However, their retiral benefits were settled sometime in 2012 and at the time of getting retiral benefits, they have not claimed interest for the belated payment, however, after few years, they have come forward with these writ petition followed by the Division Bench orders of this Court and on the said ground itself, the claim made by the petitioners cannot be entertained.

4.I have heard the submissions made by both sides.

5.Admittedly, the retiral benefits of the petitioners had been paid belatedly. However, it is the case of the respondents corporation that though it was paid belatedly, that was accepted by the petitioners and they had not raised any objection with regard to the belated payment and they have not claimed any interest so far and after sometime, now, they have come forward to claim interest. Therefore, the said claim is hit by limitation and the present writ petitions are fail. However, by taking into account the factual matrix of the case, this Court is inclined to pass the following order:

"Since there have been representations to the respondents on 31.03.2018 and 26.03.2018 respectively, it is the duty of the respondents to decide the representations. Therefore, there shall be a direction to the respondents to consider the said representations of the petitioners dated 31.03.2018 and 26.03.2018 on merits and in accordance with law and pass orders thereon, within a period of four weeks from the date of receipt of a copy of this order."

6.With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (III)

/True Copy/

Sub Assistant Registrar (CS-II)

+ 2 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 74449 & 74443

+ 2 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 74642 & 74641

ARUL

TE/KAK/SAR-2 : 16/08/2018 : 2P/5C