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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM

THE HON'BLE Mr.JUSTICE R.SURESH KUMAR
W.P. (MD) No.16238 of 2018

R.Sugumaran

... Petitioner

-vs-

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Bye Pass Road,
Kumbakonam 612 401.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to settle interest for the belated payment of the petitioner's terminal benefits including Gratuity and Leave Salary from the date of the petitioner's retirement to till the date on which the said benefits were settled to him.

For Petitioner : Mr.Y.Arulanandasamy

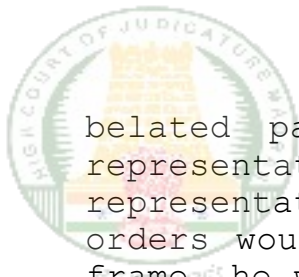
For Respondents : Mr.D.Sivaraman,
Standing Counsel for TNSTC

O R D E R

The prayer sought for in this Writ Petition is for a writ of Mandamus, directing the respondents to settle interest for the belated payment of the petitioner's terminal benefits including gratuity and leave Salary from the date of the his retirement till the date on which the said benefits would be settled.

2.Heard Mr.Y.Arulanandasamy, learned counsel appearing for the petitioner and Mr.D.Sivaraman, Standing Counsel appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that the petitioner joined service as a Conductor at the respondent-Corporation on 02.02.1979. After serving long years, he retired from service on 30.06.2011. Thereafter, the retirement benefits were disbursed belatedly, without paying interest for the



belated payment. In this regard, the petitioner has given a representation, dated 09.04.2018 to the respondents. If the said representation of the petitioner is considered and appropriate orders would be passed therein by the respondents, within the time frame, he would be satisfied.

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4. The learned standing counsel appearing for the respondents would submit that, the petitioner has retired from service, after attaining superannuation and thereafter, entire retirement benefits have been paid to him. Thereafter, six years gone by, the petitioner has not disputed and the same and however, now has given representation and has filed this Writ Petition to consider his grievance. He would further submit that, even there is limitation for such claim, interest cannot be asked for, after a period of three years period and since the said claim was a belated one and the same cannot be considered and that the petitioner is not entitled for any interest, after such long years and after having received entire retirement benefits.

5. Considering the submissions made by the both sides, this Court is inclined to pass following orders:-

The respondents are directed to consider the representation of the petitioner, dated 09.04.2018, on merits and in accordance with law and pass orders therein, within a period of six weeks from the date of receipt of a copy of this order.

6. With these directions, the Writ Petition is disposed of. No costs.

Sd/

Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Bye Pass Road,
Kumbakonam 612 401.

2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

+1cc to Mr.D.SIVARAMAN, Advocate, SR.No.74860

+1cc to Mr.A.RAHUL, Advocate, SR.No.74966

W.P. (MD) No.16238 of 2018
25.07.2018