

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7481 of 2003

ORDER

This writ petition is filed seeking a writ of mandamus to declare the action of the second respondent in not paying interest amount to the petitioner at the rate of 18% per annum from 01.08.2002 to 05.02.2003 as illegal and arbitrary and consequently direct the second respondent to release the gratuity difference amount of Rs.52,142/- with interest at the rate of 18% per annum from 01.08.2002 to till the date of payment.

2. Heard learned counsel for the petitioner, learned Government Pleader for Industries and Commerce for the first respondent and the learned Standing Counsel for the second respondent.

3. The petitioner contended that he retired from service on voluntary retirement scheme on 31.07.2002, but the respondents have not paid the gratuity and other benefits within the stipulated time and that on 30.04.2003, this Court was pleased to grant interim direction to the respondents to pay the retiral benefits to the petitioner in case no charge sheet was issued against him, within a period of four weeks.

4. Learned counsel for the petitioner submits that pursuant to the interim order, gratuity and other benefits were paid to the petitioner, but the only dispute is for payment of interest on the delayed payments. He further submits that appropriate direction be issued to

the respondents to pay interest at the rate of 18% per annum on the delayed payment of gratuity and other benefits.

5. This Court, having considered the said submissions, is of the considered view that since it is submitted by the learned counsel for the petitioner that the respondents have not passed any orders on the representation submitted by the petitioner, ends of justice would be met if a direction is issued to the petitioner to submit a fresh representation to the respondents, within two weeks from the date of receipt of a copy of this order, and on filing such representation, the respondents shall consider and pass appropriate orders in accordance with law, within four weeks thereafter.

6. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

20th November, 2018

sj

ABHINAND KUMAR SHAVILI, J