

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.17666 of 2019

U.Esubkhan

.. Petitioner

Vs

1. The Additional Chief Secretary,
Transport Department,
St. George's Fort,
Chennai 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd., Vazhuthareddy Post,
Salamedu, Villupuram 605 602.
3. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd., Vellore Region,
Vellore.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the interest for the belated payment of Gratuity at a rate of 9% p.a.

For Petitioner : Mr.J.Pradeep

For Respondents : Ms.S.Rajeni Ramadoss

ORDER

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to pay the interest for the belated payment of Gratuity at a rate of 9% p.a.

2. The case of the petitioner is that the petitioner joined the service of the respondent Corporation as 'Conductor' in Pattukottai Azhagiri Transport Corporation in the year 1985.

Thereafter, the Corporation was newly formed as Tamil Nadu State Transport Corporation (Villupuram) Limited. At the time of retirement the petitioner was working as 'Special Grade Conductor' in the Krishnanagar Depot of the respondent Corporation. The petitioner was entitled to draw all the terminal benefits on the date of retirement, i.e., on 30.06.2012. Actually, the petitioner was settled Gratuity amount only on 08.05.2015 and final settlement was made on 30.06.2014. While being so the Division Bench of this Court in W.A.No.665 of 2018 by an order dated 13.07.2018 for payment of interest to the tune of 9% per annum. That the entire amount settled on 08.05.2015. However, the petitioner is entitled to receive the interest from 30.06.2012 to 08.05.2015.

3.The learned counsel appearing for the petitioner would submit that though the petitioner retired in the year 2012, the terminal benefits were settled in the year 2015. Hence, for delay in settlement of amount, the petitioner made representation for payment of interest and till date the same has not been considered. Hence, it would suffice to issue direction to the respondents to consider the petitioner's representation.

4.The learned counsel appearing for the respondent Corporation would submit that the respondent Corporation suffered huge loss, however, the Corporation borrowed amount from the Government and settled the terminal benefits.

5.Considering the fact that the terminal benefits were settled in the year 2015, however, the writ petition was filed only after a delay of four years and there is no proper explanation for the delay and the fact that there is no Scheme provided for payment of interest for belated settlement of terminal benefits and considering the delay and laches, I am not inclined to entertain this writ petition. The writ petition is accordingly dismissed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rna

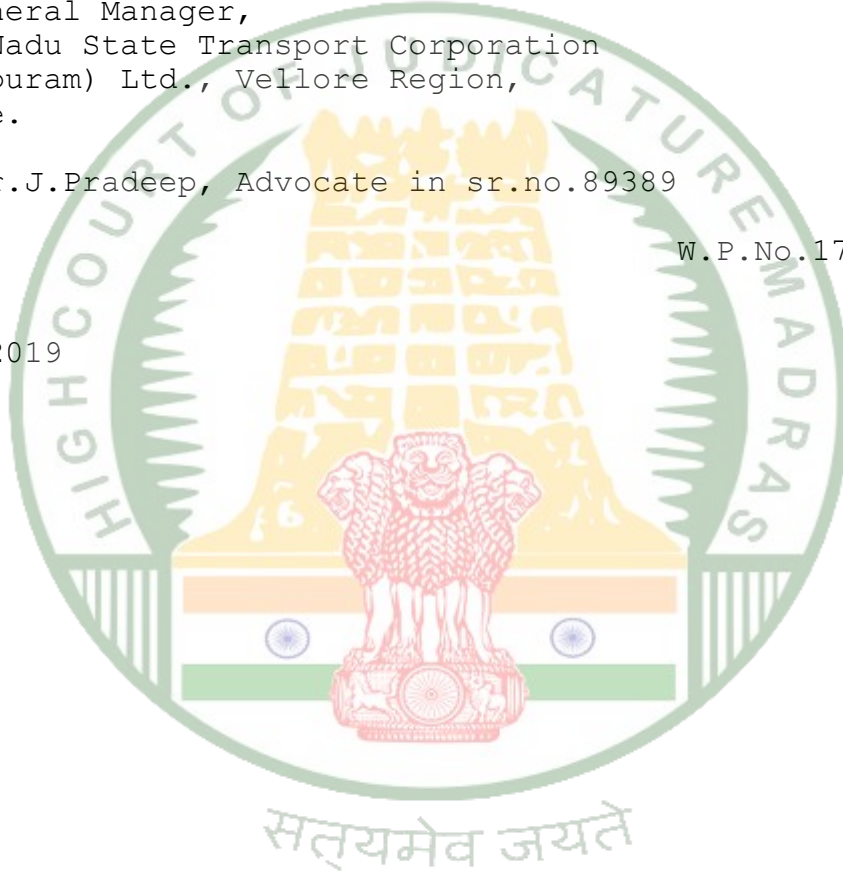
To

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+1cc to Mr.J.Pradeep, Advocate in sr.no.89389

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BS (CO)
CS/02/12/2019



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