

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.255 of 2018

D.Ragunathan

..Petitioner

vs

The Tamil Nadu Civil Supplies Corporation
Rep.by the Managing Director,
Chennai 10.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to release all the retirement benefits legally due to the petitioner by virtue of his clean retirement from service, without further delay, with 10% interest on the delayed payments.

For Petitioner : Mr.S.Venkataraman

For Respondent : Mr.L.P.Shanmugasundaram
Standing counsel

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent to release all the retirement benefits legally due to the petitioner by virtue of his clean retirement from service, without further delay, with 10% interest on the delayed payments.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was employed as Manager(Quality Control) at the Head office of the respondent Corporation and retired from service on 30.11.2013 on attaining the age of superannuation. As of now, no charges are pending against the writ petitioner. However, the respondent has not settled the terminal and pensionary benefits due to the writ petitioner without any valid reason.

3.The learned Standing counsel appearing on behalf of the respondent submitted the copy of the instructions issued to him by the Managing Director in Letter dated 10.04.2019. In the said written instructions, it is stated as follows:-

"1) that there is no charges pending against the petitioner Thiru.D.Ragunathan, Manager (Quality Control) who was retired on 30.11.2013 on superannuation,

2) a sum of Rs.19,128/- towards Storage loss recovery relating to Kanchipuram Region is pending against the petitioner and the amount has to be recovered from the encashment amount of EL/UEL on PA.

3) the file is under process for the settlement of gratuity and encashment of EL/UEL on PA and the retirement benefits will be settled to the petitioner within a period of one month.

4) the details of retirement benefits amount to be settled to the petitioner is given in the Annexure."

4.The details of the retirement benefit amount to be settled to Thiru.D.Ragunathan, Manager (QC), Head Office, who was retired on 30.11.2013 is stated as under:-

1	Gratuity	Rs.10,00,000/- (Approx)
2	Earned leave 240 days	Rs.4,94,912/-
3	UEL on Private Affairs 169 days(Half salary)	Rs.1,73,219/-
	Total	Rs.16,68,131/-
4	Deduction: Storage loss recovery .. Rs.19,128/-	Rs.19,128/-
5	Balance amount to be settled(Approx)	Rs.16,49,003/-

5.The learned counsel for the writ petitioner states that the writ petitioner is entitled for interest for the belated settlement of terminal and retirement benefits.

6.This Court is of an opinion that the employees are entitled for interest for the belated settlement of terminal and retirement benefits. If there is an administrative delay, the employee cannot be penalized for such delay and therefore, the respondents are bound to pay the interest as applicable in respect of the belated settlement of the terminal and retirement benefits.

7.This being the factum of the case, the respondents are directed to settle the balance retirement and terminal benefits due to the writ petitioner along with the interest as applicable under the Rules within a period of six weeks from the date of receipt of a copy of this order.

8.With this direction, the writ petition stands disposed of.
However, there shall be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Managing Director,
Tamil Nadu Civil Supplies Corporation
Chennai 10.

+1 CC to Mr.S.Venkataraman, Advocate sr 36954.
+1 CC to The Spl. Govt. Pleader sr 37654.
+1 CC to Mr.L.P.Shanmugasundaram, Advocate sr 37588.

SP(13/05/2019)

W.P.No.255 of 2018

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