

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27570 of 2019

C.Dayalan

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep.by the Managing Director,
3/137, Salamedu,
Valudha Reddy Post,
Villupuram - 605 602.

2.Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep.by the General Manager,
Kancheepuram Regional Office, Karapettai,
Chennai - Bangaluru Highway,
Kancheepuram - 631 552.

... 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 interest amounts to the Service Gratuity amount of Rs.8,30,183/- (Rupees eight lakhs thirty thousand one hundred and eighty three only) at the rate of 6% per annum for 34 months of delayed payment, in accordance with the orders dated 09.07.2018 of the Hon'ble Division Bench of this Hon'ble Court made in W.A.No.665 of 2018 and C.M.P.No.6352 of 2018 and as adopted in the common judgment made on 08.01.2019 in W.P.Nos.194, 215, 229, 231, 234 & 236 of 2019, by considering and passing orders on the representation dated 25.09.2018 of the petitioner.

For Petitioner : Mr.N.Ishak

For Respondents : Mr.A.Antony Arockiaraja

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O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner entered into services of respondent Transport Corporation on 17.08.1974 and retired from service on 30.06.2012 after attaining the age of superannuation. On the

date of retirement, the petitioner was given Provident Fund amount. However, the other retirement benefits like commutation of pension and Gratuity were paid to the petitioner belatedly. The commutation of pension was paid only in November 2013 and for that delayed payment, an interest of Rs.26,464/- at the rate of 6% per annum was paid to the petitioner on 16.08.2018 as per the common order passed by the Division Bench of this Court on 09.07.2018 in W.A.No.665 of 2018. The grievance of the petitioner is that for the belated payment of service gratuity amount, no interest has been paid. The petitioner's service gratuity amount of Rs.8,30,183/- was paid to the petitioner only on 12.05.2015 after a delay of 34 months from his retirement. Therefore, he sent representation dated 25.09.2018 followed by a reminder dated 11.05.2019 to the 2nd respondent for the interest amount on the belated payment of retirement benefits. Since the same has not been considered, the petitioner has filed the present petition.

3.Heard both sides.

4.On perusal of records, it reveals that the petitioner entered into service in the respondent Transport Corporation on 17.08.1974 and retired on superannuation on 30.06.2012 and the provident fund amount was settled on the same day. However, the commutation amount of pension was paid belatedly in November 2013, for which an interest at the rate of 6% per annum was paid to the petitioner on 16.08.2018. The service gratuity was paid to the petitioner on 12.05.2015 itself. But, the petitioner has made the representation on 25.09.2018 to the 1st respondent seeking for an interest of 6% per annum for the belated payment of service gratuity after lapse of three years.

5.Considering the above facts that the petitioner got retired on 30.06.2012 and all his retirement benefits were paid in the year 2015 itself and the representation was made in the year 2018 i.e., after a period of three years, seeking for interest on the belated payment of gratuity also, is unsustainable one. Further, there is no explanation for filing writ petition after a period of three years. Therefore, this Court is not inclined to grant the prayer as sought for by the petitioner. Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Valudha Reddy Post,
Villupuram - 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Kancheepuram Regional Office, Karapettai,
Chennai - Bangalaru Highway,
Kancheepuram - 631 552.

+1cc to Mr.Ishak, Advocate, S.R.No. 79967

+1cc to Mr.A.Antony Arockiaraja, Advocate, S.R.No. 80298

W.P.No.27570 of 2019

RSI (CO)
GN(05/11/2019)



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