



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.5640 of 2018

WEB COPY

V.Seenivasan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 and 2 herein to settle the service benefits of the petitioner namely encashment on surrender of his earned and unearned leave forthwith based on his representation, dated 15.04.2017.

For Petitioner : Mr.S.Satheesh Kumar

For Respondents : Mr.P.Seetharaman

ORDER

According to the petitioner, he worked in the second respondent Corporation as Bill Clerk and he was permitted to retire from service on 31.08.2016. However, the terminal benefits including encashment of earned and unearned leave due to him have not been settled. Hence, he made representation to the respondents. However, the same yielded no result. As he is entitled to receive the terminal benefits including encashment of earned and unearned leave, the petitioner has come forward with the present writ petition seeking a direction to the respondents to settle the service benefits of the petitioner namely encashment on surrender of his earned and unearned leave forthwith based on his representation, dated 15.04.2017.

2.Heard both sides and perused the records.

3.This Court, in WP.No.20107 of 2018 vide order dated 28.02.2019, extensively dealt with the issue relating to sanction of retirement benefits, pension and interest on belated payment of the same and ultimately, observed and held at paragraphs 20 and 22, as under:

<https://hcservices.ecourts.gov.in/hcservices/> "20.Thus, the principles enunciated from the aforesaid decisions rendered by the Supreme Court as well as by this Court and also in the light of the Government Orders and



the relevant provisions of law, are that the benefits bestowed by law upon an employee in recognition of his/her committed, continuous, loyal and devoted duty by payment of the pension, gratuity, leave salary etc., are in the nature of property and such right cannot be taken away without following due process of law; further, the grant of pension is not a bounty and the Government is obliged to follow the relevant Rules in that regard; Also that, the delay in settlement of retiral benefits and payment of pension is frustrating the employees and the same could have been compensated by way of interest."

"22. In view of the above, the respondent authorities are directed to consider the claim of the petitioner in line with the observations made in the earlier Paragraph Nos. 4 to 20 of this order and pay the benefits accordingly. Insofar as the interest on belated payment of retiral benefits is concerned, considering the facts and circumstances of the case and having regard to the present day cost of living, the respondent authorities are directed to pay interest at 8% per annum, from the date of entitlement till the date of payment of entire amount, failing which, the same shall carry penal interest at 18% p.a. for the default period. Such an exercise shall be completed, within a period of six weeks from the date of receipt of a copy of this order."

4. Following the aforesaid order, this writ petition stands disposed of directing the respondent authorities to consider the claim of the petitioner in line with the observations made in the Paragraph Nos. 4 to 20 of the order dated 28.02.2019 passed in WP(MD) No. 20107 of 2018 and pay the benefits accordingly. Insofar as the interest on belated payment of retiral benefits is concerned, considering the facts and circumstances of the case and having regard to the present day cost of living, the respondent authorities are directed to pay interest at 8% per annum, from the date of entitlement till the date of payment of entire amount, failing which, the same shall carry penal interest at 18% p.a. for the default period. Such an exercise shall be completed, within a period of six weeks from the date of receipt of a copy of this order. No costs.

sd/

Assistant Registrar(crl. side)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No. 12, Thambusamy Road,
Kilpauk, Chennai - 600 610.



2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Madurai Region, Madurai.

+1 CC to Mr.S.SATHEESH KUMAR, Advocate (SR-50894[F] dated
01/03/2019)

+1 CC to SPL GP (SR-51049[F] dated 01/03/2019)

W.P(MD)No.5640 of 2018
28.02.2019

ps

MK (14.05.2019) 3P 5C