



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

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**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.6966 of 2015

T.Jeyapaul

... Petitioner

vs.

- 1.The Managing Director,  
Tamil Nadu Cooperative Milk Producers  
Federation Ltd.,  
Revenue Department,  
Avin Illam, Mathavapuram,  
Milk Colony, Chennai.
- 2.The Accounts Officer,  
Tamil Nadu Cooperative Milk Producers  
Federation Ltd.,  
Employees Gratuity Fund Trust,  
Avin Illam, Mathavapuram,  
Milk Colony, Chennai.
- 3.The General Manager,  
Madurai District Cooperative Milk Producers Union Ltd.,  
Madurai - 20.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Order of the 2nd respondent in his Proceedings in Na.Ka. No. 5411/Finance-2-1/2014 dated 20.08.2014 and quash the same as illegal and consequently direct the 2nd and 3rd Respondents herein to pay interest to the petitioner at the rate of 12% per annum for the belated payment of Rs.6,11,176/- towards the petitioner's retirement benefit of Gratuity from the date of retirement i.e. 30.06.2010 to the date of full settlement i.e. 12.06.2014 within a time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.M.Murugan

O R D E R

This writ petition has been filed challenging the impugned order of the 2<sup>nd</sup> respondent dated 20.08.2014 and consequently direct the respondents 2 and 3 to pay interest at the rate of 12% per annum for the belated payment of Rs.6,11,176/- towards gratuity amount from the date of his retirement to the date of full settlement.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that after retirement of his service as an Extension Officer from the office of the third respondent, he was not paid with the entire retirement benefits. Later on, the second respondent, has chosen to settle the gratuity amount, but with a delay of 48 months, for which, the petitioner is entitled to get interest at the rate of 12% per annum. But the second respondent rejected such claim vide the impugned order dated 20.08.2014. Aggrieved by the same, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, passed orders in W.P(MD)No.7022 of 2015 (Mariappan vs. The Managing Director, Tamil Nadu Cooperative Milk Producers Federation Limited, Revenue Department, Avil Illam, Mathavapuram, Milk Colony, Chennai) on 30.08.2018, directing the respondents therein to pay interest as set out therein. It would be useful to refer to the operative portion of the order, which reads as follows:

*"13. As there is a delay in payment of gratuity and that the employer has not deposited the amount with controlling authority, the petitioner would be entitled to get interest at the rate of 10% p.a., for the belated payment. Accordingly, the respondents are directed to pay the interest due (at rate of 10% p.a.) on the retirement dues already paid, within a period of two months from the date of receipt of a copy of this order, failing which, the default interest would be 15% p.a. This Court makes it very clear that if the interest amount is not paid within the time stipulated by this Court, the amount can be recovered from the personal funds of the General Manager. If the petitioner is entitled to get gratuity, it has to be calculated based on last drawn wages. If the petitioner was eligible for promotion the gratuity will have to be calculated taking into account the wages payable and the gratuity will have to be paid accordingly."*

Following the same, this writ petition is disposed of with a direction to the respondents to consider the claim of the



petitioner based on his representation dated 31.10.2014 and pass appropriate orders, on the same line as observed in the order passed in W.P(MD)No.7022 of 2015 dated 30.08.2018 (stated *supra*).  
No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Managing Director,  
Tamil Nadu Cooperative Milk Producers  
Federation Ltd.,  
Revenue Department,  
Avin Illam, Mathavapuram,  
Milk Colony, Chennai.

2.The Accounts Officer,  
Tamil Nadu Cooperative Milk Producers  
Federation Ltd.,  
Employees Gratuity Fund Trust,  
Avin Illam, Mathavapuram,  
Milk Colony, Chennai.

3.The General Manager,  
Madurai District Cooperative Milk Producers Union Ltd.,  
Madurai - 20.

+1 CC to M/s.SPL GP ( SR-53555[F] dated 13/03/2019 )

+1 CC to M/s.J.LAWRANCE, Advocate ( SR-53760[F] dated 13/03/2019 )

MJ

W.P(MD) No.6966 of 2015  
12.03.2019

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