



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 21.10.2019

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**W.P. (MD)No.19578 of 2019**

WEB COPY

K.Nagalingam

... Petitioner

Vs.

1.The Chairman and Managing Director,  
Tamil Nadu Civil Supplies Corporation Ltd.,  
Chennai-10.

2.The Regional Manager,  
Tamil Nadu Civil Supplies Corporation Ltd.,  
Theni.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the order of the second respondent dated 25.04.2018 in Na.Ka.No.E2/3304/2017 and quash the same and consequently direct the second respondent to sanction amount towards interest for delayed payment of earned leave.

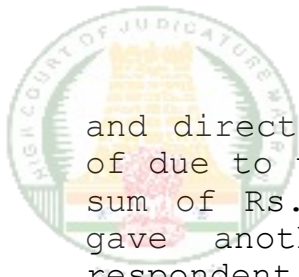
For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.Rajakarthikeyan

**ORDER**

This writ petition is filed challenging the order of the second respondent dated 25.04.2018 in Na.Ka.No.E2/3304/2017 and quash the same and consequently, direct the second respondent to sanction the amount towards interest for delayed payment of earned leave.

2. According to the petitioner, he was working as a Regional Manager in the second respondent Corporation and retired from service on 30.04.2003 on attaining the age of superannuation. But his terminal benefits were withheld. The petitioner filed a writ petition in W.P(MD)No.10840 of 2005 for a direction to the respondents to sanction the terminal benefits, gratuity and encashment of earned leave. This Court, by order dated 20.02.2008, directed the first respondent to sanction the terminal benefits within four months. According to the petitioner, he is entitled to a sum of Rs.1,82,000/- towards earned leave. The respondents paid a sum of Rs.1,17,069/-. The petitioner gave a representation dated 06.11.2008 and filed a writ petition in W.P(MD)No.6286 of 2009. This Court by order dated 08.03.2017, set aside the said proceedings



and directed the first respondent to pay 9% interest from the date of due to till the date of payment. According to the petitioner, a sum of Rs.55,799/- is payable by the respondents. The petitioner gave another representation to the respondents. The second respondent, by the impugned proceedings dated 25.04.2018, paid only a sum of Rs.25,418/-. Hence, the petitioner has come out with the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

4. From the materials on record, it is seen that the terminal benefits and amounts for earned leave were not paid to the petitioner in time. In the writ petition filed by the petitioner, this Court by order dated 08.03.2017 directed the respondents to pay 9% interest for the delayed payment. From the impugned order, it is seen that the second respondent has calculated the amount payable to the petitioner as Rs.55,799/- and sent the same to the first respondent for approval. The second respondent further stated that the first respondent directed to pay the withheld amount of Rs.9,475/- together with interest at the rate of 9%, totalling to Rs.22,072/- to the petitioner. The interest payable for the delayed payment of earned leave was not calculated as per the earlier order of this Court. The respondents have not given any reason for not paying the interest as calculated by the second respondent.

5. Considering the above materials on record, the impugned order is set aside. The respondents are directed to pay the interest as calculated after deducting the amount already paid by the second respondent, within a period of four weeks from the date of receipt of a copy of this order.

6. In the result, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Chairman and Managing Director,  
Tamil Nadu Civil Supplies Corporation Ltd.,  
Chennai-10.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Regional Manager,  
Tamil Nadu Civil Supplies Corporation Ltd.,  
Theni.

+1 CC to Mr.J.ANANDKUMAR, Advocate ( SR-93307[F] dated 21/10/2019 )

**W.P. (MD) No.19578 of 2019**  
**21.10.2019**

VB(25.11.2019) 3P 4C