



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.22976 of 2019

WEB COPY

N.Sekar

... Petitioner

-Vs-

The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Corporate Office, Kumbakonam-612 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to revise the Dearness Allowance applicable to the petitioner from 7% to 9% based on G.O.Ms.No.313, Finance (Allowances Department) dated 18th September, 2018 and to pay the difference in the retirement benefits payable to the petitioner within a stipulated time and to further direct the respondent to pay interest at the rate of 18% per annum for the belated payment of retirement benefits including Provident Fund, Leave Salary, within the time limit that may be fixed by this Court, since necessary application was filed towards the claim of interest for contemplation of delay of payment of gratuity before the competent authority as per the Gratuity Act.

For Petitioner : Mr.A.R.Palanisamy
For Respondent : Mr.D.Sivaraman

ORDER

This Writ Petition is filed to direct the respondent to revise the Dearness Allowance applicable to the petitioner from 7% to 9% based on G.O.Ms.No.313, Finance (Allowances Department) dated 18th September, 2018 and to pay the difference in the retirement benefits payable to the petitioner within a stipulated time and to further direct the respondent to pay interest at the rate of 18% per annum for the belated payment of retirement benefits including Provident Fund, Leave Salary, within the time limit that may be fixed by this Court, since necessary application was filed towards the claim of interest for contemplation of delay of payment of gratuity before the competent authority as per the Gratuity Act.

2.According to the petitioner, he was appointed as Junior Assistant (Trainee) on 27.04.1984 and retired from service on 31.07.2018, as Deputy Manager, on attaining the age of superannuation. His terminal benefits were settled on 20.09.2019, after delay of more than 14 months. The grievance of the petitioner is that, the respondent has not paid the interest for the delayed payment as per the judgment of the First Bench of this Court, dated



12.06.2015 in W.A.(MD)Nos.383 to 457 of 2015. He made representation to the respondent on 23.09.2019 and the respondent has not passed any orders on the representation. Hence, the petitioner has come out with the present Writ Petition.

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

4.This issue has already been decided by the First Bench of this Court referred to above. In view of the same, the respondent is directed to pay the interest at the rate of 6% for the delayed payment in twelve (12) equal monthly installments on or before 10th day of every English Calendar month. The first installment is to be paid on or before 10th day of February, 2020.

5.In the result, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Myr

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-95250[F] dated 31/10/2019)

+1 CC to Mr.A.R.PALANISAMY, Advocate (SR-95334[F] dated 31/10/2019)

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