

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
W.P.No.4510 of 2021

S. Balakrishnan

... Petitioner

..Vs..

The Secretary
Industries Department,
Government of Tamil Nadu &
Chairman and Managing Director of
Southern Structurals Ltd.,
St.George Fort, Chennai 600 009.

... Respondent

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to pay interest on the arrears of salary amount Rs.68,070/- (Rupees Sixty Eight Thousand Seventy Only) for the delay period from the year 1995 till date of payment at the rate of 12% per annum with compound interest on yearly basis as the respondent is solely responsible for causing such enormous delay of 25 years in processing petitioner's arrears of salary claim.

For Petitioner : Mr.S.Pushpakaran

For Respondent : Mr.P.Karthikeyan

Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondent to pay interest on the arrears of salary amount Rs.68,070/- (Rupees Sixty Eight Thousand Seventy Only) for the delay period from the year 1995 till date of payment at the rate of 12% per annum with compound interest on yearly basis as the respondent is solely responsible for causing such enormous delay of 25 years in processing petitioner's arrears of salary claim.

2. Mr.P.Karthikeyan learned Additional Government Pleader takes notice for respondent. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner has come forward claiming the rate of interest @ 12% p.a. for arrears of Rs.68,070/- paid in the year 2020 and it is stated that there is a revision of wages which ought to have been paid immediately after his retirement in the year 1998.

4. It is the fact that the revision took place after his retirement in the year 1998 and granted benefits from 1995. The petitioner should have approached this Court immediately and could not have slept over the matter and waited for receipt of the principal amount till 12.12.2020. Admittedly, the respondent Industry namely, Southern Structurals Limited was already closed due to financial constrain. Taking note of the age of the petitioner and that the petitioner had the benefit of atleast the principal amount, the said sum of Rs.68,070/- was granted, which no employer would come forward to pay any amount and they would try to bargain on the principal amount. In this case, the respondent has paid the actual principal amount on the revision that took place in 1998. Since the revision took place only in 1998 the petitioner may not be entitled for rate of interest from 1995.

5. Taking note of the fact that company has been closed on account of financial crisis and that there was a delay, the learned counsel for the petitioner would submit that atleast a portion of interest may be directed to be paid, as the petitioner needs to survive based on the amount that is going to be payable on the interest.

6. Considering the age and plight of the petitioner, this Court posed a question to the learned counsel for the petitioner as to whether the petitioner is willing to accept 2% interest from 1998 on the principal amount. The learned counsel for the petitioner on instructions submitted that the petitioner has agreed to receive 2% interest in order to give quietus to the issue. Though this Court is not inclined to grant any relief in the writ petition, on humanitarian grounds and taking note of the age of the petitioner, interest at 2% per annum is granted payable to the amount of Rs.68,070/- from the year 1998 till 12.12.2020. The respondent shall pay the interest within a period of one month from the date of receipt of a copy of this order.

7. With the above observation and direction the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dpq

The Secretary

Industries Department,

Government of Tamil Nadu & Chairman and Managing Director of Southern Structurals Ltd., St. George Fort, Chennai 600 009.

+1cc to Mr. S.Pushpakaran , Advocate SR.No. 17352

+1 cc to Government Pleader Sr.No. 18219

W.P.No.4510 of 2021

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A.SK(28.06.2021)