

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.9521 of 2020

V.V.Ravi

.. Petitioner

Vs.

1.The Managing Director

Tamil Nadu State Transport Corporation
(Villupuram) Ltd., Vashuthareddy
Villupuram - 605 602

2.The General Manager

Tamil Nadu Transport Corporation
(Villupuram) Ltd., Kanchipuram Division
Karaipettai, Kanchipuram - 631 552

3.The Administrator

Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Thiruvalluvar House, Pallavan Salai
Chennai - 600 002

.. Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the interest amount of Rs.90,841/- for petitioner delayed payment of Gratuity amount, Commutation Amount and encashment of surrender leave amount with 6% interest p.a. till the date of payment as per petitioner representation dated 12.03.2020.

* * *

For Petitioner : Mr.R.Anbalagan

For R1 and R2 : Mr.C.S.K.Sathish,
Government Advocate

O R D E R

The petitioner has come forward with this writ petition for a mandamus, directing the respondents to pay him the interest amount of Rs.90,841/- for the delayed payment of Gratuity, Commutation Amount and Surrender Leave Encashment with 6%

interest p.a. till the date of payment, as per his representation dated 12.03.2020.

2. The case of the petitioner is that he joined the service as Conductor in respondents' Transport Corporation on 04.06.1988 and retired on superannuation on 31.12.2018. His contention is that he received the terminal benefits belatedly; that he sent various representations for payment of interest and that the last of the representations, was dated 13.03.2020. As there was no response to the same, the petitioner has filed this petition for a direction to the respondents to pay the interest amount of Rs.90,841/- for the delayed payment of gratuity, commutation and encashment of surrender leave, along with 6% interest till the date of payment, as per his representation dated 12.03.2020.

3. Heard both sides and perused the materials placed before this Court in the form of typed set of papers.

4. Considering the limited scope of the prayer and the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs that, though it is the duty bound on the part of the respondents to pay the interest, more so, in the light of the order of the Division Bench dated 09.07.2018 made in C.M.P. No.6352 of 2018 in W.A. No.665 of 2018 granting 6% interest per annum for the delayed disbursement of entire terminal benefits including encashment of surrender leave, taking note of the COVID-19 situation, the interest may be paid to the petitioner from the date of his representation at the rate of 6% per annum and the amount shall be disbursed within a period of one month from the date of receipt of a copy of this order. If the amount is not paid within one month, as stipulated supra, the petitioner would be entitled to interest as prayed for in the writ petition.

5. The petitioner shall furnish his/her phone number, email ID, if any, etc., along with a copy of the representation dated 12.03.2020 and this order, to the respondents forthwith. The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that he/she is not aware of the order.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/
Sub Asst. Registrar

Asr
To

- 1.The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd., Vashuthareddy
Villupuram - 605 602
- 2.The General Manager
Tamil Nadu Transport Corporation
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