

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.33379 OF 2014

T.Ramalingam

... Petitioner

Vs

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Fort St.George, Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Construction Corporation Ltd.,
Jawaharlal Nehru Salai, Jai Nagar,
Arumbakkam, Chennai - 600 106.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the retirement benefits payable to the petitioner together with interest at the rate of 18% per annum within a time limit to be fixed by this Hon'ble Court.

For Petitioner : M/s.Rita Chandrasekaran
for M/s.Aiyar & Dolia

For R1 : Mr.J.Ramesh, AGP

ORDER

This writ petition has been filed by the petitioner seeking a mandamus, to direct the respondents to settle the retirement benefits payable to him together with interest at the rate of 18% per annum.

2.According to the petitioner, he joined the service of the second respondent Corporation as Accounts Superintendent in the year 1982 and was subsequently, promoted as Assistant Manager (Accounts) during September 1988 and again promoted as Manager (Accounts) on 23.05.1994. After reaching the age of superannuation, on 28.04.2011, he submitted application for payment of gratuity in the Form I claiming a sum of

Rs.9,43,331/-, besides addressing a letter to the second respondent for sanction of earned leave salary to the tune of Rs.4,81,464/- and submitting an application to the Regional Provident Fund Commissioner in Form 19 for settlement of Employees Provident Fund. However, he received a part payment of Rs.3,32,186/- on 26.06.2012. Therefore, the petitioner sent a representation dated 17.03.2014 to the second respondent requesting to disburse his retirement benefits due to him. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3.The learned counsel for the petitioner submitted that the retirement benefits due to the petitioner are valuable rights accrued on account of the service rendered by him and hence, the same have to be disbursed to him within the stipulated time, whereas the respondents are yet to pay the same to the petitioner, despite several attempts made by him. Thus, learned counsel prayed for appropriate direction to the respondents to disburse the retirement benefits due to the petitioner by considering his representation dated 17.03.2014, within a time frame to be fixed by this Court.

4.There is no serious objection raised by the learned Additional Government Pleader appearing for the first respondent.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation of the petitioner dated 17.03.2014, relating to payment of retirement benefits, if not already considered and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. No costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Fort St.George, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Construction Corporation Ltd.,
Jawaharlal Nehru Salai, Jai Nagar,
Arumbakkam, Chennai - 600 106.

+1cc to M/s.Aiyar & Dolia, Advocate, S.R.No.5322

+1cc to the Government Pleader, S.R.No.4932

W.P.No.33379 of 2014

KJ(CO)
CS/28/06/2021



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