



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.659 of 2019

WEB COPY

V.Ramanathan

... Petitioner

vs.

1.The Managing Director,
Tamilnadu Civil Supplies Corporation,
Chennai.

2.Regional Manager,
Tamilnadu Civil Suppliers Corporation,
Sivagangai Region,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to pay 18% interest on the belated payment of settling encashment on surrender of Earned and Unearned Leave Salary to the petitioner for the period from 31.10.2014 to 13.12.2017 being the period from the date of retirement and the date of settlement based on the representation of the petitioner, dated 09.04.2018.

For Petitioner : Mr.D.Srinivasaragavan
For Respondents : Mr.Rajakarthikeyan

ORDER

This Writ Petition is filed for a direction to the respondents to pay 18% interest on the belated payment of settling encashment on surrender of Earned and Unearned Leave Salary to the petitioner for the period from 31.10.2014 to 13.12.2017 being the period from the date of retirement and the date of settlement , based on the representation of the petitioner, dated 09.04.2018.

2. According to the petitioner, after rendering 23 years of service, he retired from service of the respondents corporation on 31.10.2014 on attaining the age of superannuation. The respondents corporation did not settle the retirement benefits in time. The second respondent by the proceedings, dated 16.11.2017, paid the encashment on surrender of Earned Leave and Unearned Leave. The petitioner received a sum of Rs.3,80,173/- on 12.06.2017 and a sum of Rs.1,51,874/- on 13.12.2017. Both the amounts were paid belatedly and hence, the petitioner is entitled for interest at the rate of 18% for the belated payment. According to the petitioner, he retired from service on 31.10.2014, the respondents have not paid the interest for the belated payment. Hence, he made the



representation on 09.04.2018 and has come out with the present writ petition for the above stated relief.

3. Mr.Raja Karthikeyan, learned counsel appearing for the respondents submitted that due to Audit objection, Earned Leave and Unearned Leave salary was paid belatedly on 12.06.2017 and 13.12.2017, there is no delay on the part of the respondents and prayed for dismissal of the writ petition.

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

5. It is the case of the petitioner that he retired from service on 31.10.2014 on attaining the age of superannuation, but his encashment of Earned Leave and Unearned Leave were paid only on 12.06.2017 and 13.12.2017. In view of the delay in paying the said amount, the petitioner has sent representation on 09.04.2018 claiming interest for the belated payment.

6. Considering the above facts, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioner, dated 09.04.2018 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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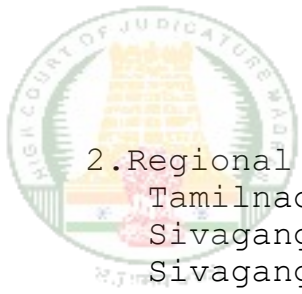
Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Managing Director,
Tamilnadu Civil Supplies Corporation,
Chennai.

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



2.Regional Manager,
Tamilnadu Civil Suppliers Corporation,
Sivagangai Region,
Sivagangai.

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+1 CC to M/s.D.SRINIVASA RAGAVAN, Advocate (SR-20060[F]
dated 24/06/2021)

W.P(MD)No.659 of 2019
23.06.2021

PM(CO)
TR(02.07.2021) 3P 4C