



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.17051 of 2021

P.Subramania Pillai

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation
Tirunelveli Ltd.,
Ranithottam, Nagercoil,
Kanyakumari District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay interest as ordered by this Court in W.P.(MD) No.24454 of 2018 dated 12.12.2018 for the period of delay from the date of his retirement to till the date of settlement, in paying the amounts paid towards petitioner's terminal benefits namely Gratuity, PF, Earned Leave Salary and Surrender Leave Salary within the time frame as may be fixed by this Court.

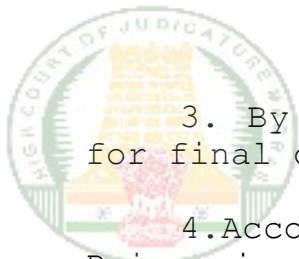
For Petitioner : Mr.K.Sathiya Singh, for
Mr.S.Sivanesan.

For Respondent : Mr.R.Rajamohan,
Standing Counsel for State.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondent to pay interest as ordered by this Court in W.P.(MD)No.24454 of 2018 dated 12.12.2018 for the period of delay from the date of his retirement to till the date of settlement, in paying the amounts paid towards petitioner's terminal benefits namely Gratuity, Provident Fund, Earned Leave Salary and Surrender Leave Salary within the time frame as fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.



3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he was working as Special Grade Driver in the respondent Corporation and after completion of more than 30 years of service, he was retired from service on 30.06.2018 on attaining the age of superannuation. According to the petitioner, the respondent has paid him only the principal amounts towards the terminal and pensionary benefits and did not pay any amount towards the interest for the period of delay in paying the retirement benefits amount as per the direction of this Hon'ble Court dated 12.12.2018 in WP(MD) No.24454 of 2018. In this regard, the petitioner made representations dated 29.03.2020 and 03.09.2021 to the respondent, requesting to pay the interest for the period of delay in paying the retirement benefits. However, the said representation is still pending and no orders were passed till date. Therefore, the present Writ petition has been filed before this Court.

5. The learned Standing Counsel appearing for the respondent would submit that petitioner's representation would be considered and appropriate orders will be passed in accordance with law.

6. Considering the submissions made by the learned counsel on either side and considering the limited scope of prayer as sought by the petitioner, this Court, without expressing any opinion on merits, directs the respondent to consider the petitioner's representation dated 03.09.2021 on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order and the decision taken shall be communicated to the petitioner.

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

Sd/-

Assistant Registrar (Records)

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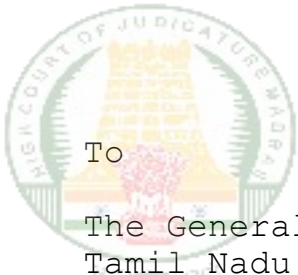
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Sub Assistant Registrar(CS)

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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 solicitors/concerned.

<https://hccourtscs.gov.in/csguest>



To

The General Manager,
Tamil Nadu State Transport Corporation
Tirunelveli Ltd.,
Ranithottam, Nagercoil,
Kanyakumari District.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-29815[F] dated 21/09/2021)

+1 CC to M/s.S.SIVANESAN, Advocate (SR-29891[F] dated 22/09/2021)

W.P (MD) No.17051 of 2021

21.09.2021

MGJ(29.09.2021) 3P 4C