



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

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THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.4942 of 2020

D.Balasubramanian

... Petitioner

Vs.

The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Villupuram Region
Salamedu, Villupuram
Villupuram District-605 602.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay interest @ 9% for the belated payment of gratuity and leave salary.

For Petitioner : Mr.S.T.Varadarajalu

For Respondent : Mr.G.Saravanakumar

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondent to pay interest @ 9% for the belated payment of gratuity and leave salary.

2. The grievance of the writ petitioner is that, after his retirement from the respondent corporation, gratuity amount of Rs.4,98,981/- was settled by the respondent corporation to the petitioner on 30.12.2013 belatedly after 28 months and the leave salary of Rs.3,07,633/- was settled on 07.05.2012 and there was delay in settling the amount. Hence, the petitioner is entitled for the interest at the rate of 9% per annum for the aforesaid belated settlement amount.

3. The learned Standing Counsel appearing for the respondent Corporation would submit that admittedly, the entire retirement



benefits has been settled to the petitioner in the year 2012. But the writ petitioner did not seek any interest for nearly 10 years and now, he has approached this Court seeking for payment of interest. Therefore, the writ petition is liable to be rejected on the ground of laches.

4. Considering the aforesaid submissions, admittedly, the entire terminal benefits have been settled to the petitioner in the year 2012 and till date, the petitioner has not approached the concerned authority or this Court seeking for interest. Once he has accepted the settlement of the said amount, now after the lapse of nearly 10 years, the petitioner approaching this Court by filing the writ petition certainly would attract doctrine of laches. On the very same subject, this Court has already dismissed the similar petition filed in W.P No.27570 of 2019 vide order dated 18.09.2019, on the ground of laches. In view of the above, this Court is of the view that the writ petitioner has waived his right of interest for all these ten years and approached this Court would not be entitled for getting the relief from this Court, and hence, this Court cannot entertain this writ petition and the same is liable to be dismissed.

5. Accordingly, this writ petition stands dismissed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Villupuram Region
Salamedu, Villupuram
Villupuram District-605 602.

+1cc to Mr.S.T.Varadarajulu, Advocate Sr.10438
+1cc to Mr.G.Saravanakumar, Advocate Sr.10992

W.P.No.4942 of 2020

jp[co]
srg 21/03/2022