



W.P.No.10751 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10751 of 2019

S.Bhaskar

... Petitioner

Vs.

- 1.The General Manager
Integral Coach Factory (ICF)
Chennai 38.
- 2.The Principal Chief Security Commissioner
Integral Coach Factory, Shell Division
Chennai 38.
- 3.The Chief Personnel Officer
Integral Coach Factory, Shell Division
Chennai 38.
- 4.The Chief Electrical Engineer
Integral Coach Factory, Shell Division
Chennai 38.
- 5.The Senior Divisional Commissioner
Railway Protection Force
Southern Railway, Chennai 600 003.
- 6.The Principal Security Commissioner
Southern Railway, Chennai 600 003.
- 7.The Union of India,



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Represented by Secretary to Government
Indian Railways
Ranil Bhavan, New Delhi 110 001.

8. The Director General
Railway Protection Force
Head Office, Rail Bhavan
New Delhi 110 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to draw and disburse the Gratuity amount of Rs.8,81,265/- to the petitioner retained by the respondents within a reasonable time.

For Petitioner : Mr.K.Venkataramani
Senior Counsel
For Mr.M.Muthappan

For Respondents : Mr.P.T.Ram Kumar
[For Railways]

ORDER

The relief sought for in the present writ petition is to direct the respondents to draw and disburse the gratitude amount of Rs.8,81,265/-.

2. The gratuity amount was withheld on account of the fact that the penal rent for over stayed in the railway quarters was claimed by the Railway Protection Force and which was disputed and a writ petition was



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filed by the petitioner along with other persons in W.P.No.24922 of 2018.

The said Writ Petition was disposed of on 07.01.2022 and on receipt of a copy of the order the respondents / Railway Protection Force settled the entire gratuity amount of Rs.8,81,265/- in favour of the writ petitioner on 20.04.2022 and 21.07.2022 respectively. Thus, it is not in dispute that the entire gratuity amount had already been settled in favour of the writ petitioner.

3. The learned senior counsel appearing on behalf of the writ petitioner made a submission that the interest for the belated settlement is to be paid to the writ petitioner.

4. In this regard, the learned counsel for the respondents objected the said contention by stating that the writ petition was pending with reference to the recovery of penal rent from the petitioner. Therefore, the respondents are not in a position to settle the gratuity amount during then pendency of the writ petition.



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5. The learned Senior Counsel appearing on behalf of the writ petitioner made a submission that the respondents ought to have withheld the penal rent and the balance amount ought to have been settled. It is not made clear whether the petitioner made a representation during the relevant point of time in this regard. Thus, it is for the petitioner to approach the competent authority if at all there is an administrative delay in settling the benefits, then the case of the petitioner is to be considered in accordance with the rules.

6. Accordingly, the Writ Petition stands dismissed. No costs.

02.11.2022

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Index : Yes

Speaking order



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To

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S.M.SUBRAMANIAM, J.

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