

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.16181 of 2022

S. Madhavan

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram Division),
No. 3/137, Salamedu,
Vallatha Reddy Post,
Villupuram - 605 602.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 28.01.2022 and to pay interest at the rate of 10 % for the late payment of the gratuity amount and 12 % interest for other legal dues and award cost.

For Petitioner : Mr.S.Ravi

For Respondent : Mr.R.Venkatesa Perumal

ORDER

The relief sought for in the writ petition is for a Mandamus directing the respondent to consider the representation of the petitioner dated 28.01.2022 and to pay interest at the rate of 10 % for the late payment of the gratuity amount and 12 % interest for other legal dues and award cost.

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

3. The petitioner was working as Special Grade Conductor, under the respondent Transport Corporation and he retired from service on 31.08.2018, on attaining the age of superannuation. But, the respondent has settled the gratuity amount to the

petitioner belatedly, without any interest and and other legal dues and award cost. Hence, he made a representation on 28.01.2022 to pay interest for the belated payment of gratuity amount and other legal dues and award cost, but the respondent neither given reply nor paid the same. Hence, he has filed the instant writ petition before this Court.

4. The learned counsel appearing for the petitioner submitted that, the respondent has settled the gratuity amount to the petitioner belatedly, without any interest and other legal dues and award cost and despite requests made by him, the respondent did not pay interest for the belated payment of gratuity amount and other legal dues and award cost. He has also relied on a decision of the Hon'ble Division Bench of this Court in W.A.(MD)No.383 to 457 of 2015, dated 12.06.2015, wherein the Hon'ble Division Bench of this Court has fixed the rate of interest at 6% per annum for the belated payment of retirement benefits, on the same line, orders may be issued in the present writ petition and with regard to other legal dues and award cost, this Court may direct the respondent to consider the representation dated 28.01.2022, of the petitioner on merits and pass orders.

5. The learned Standing Counsel appearing for the respondent fairly accepted the fact that the respondent Corporation have settled the gratuity amount to the petitioner belatedly. He also submitted that the petitioner is entitled for interest only at the rate of 4% per annum for the belated payment.

6. The learned Standing Counsel appearing for the respondent further submitted that the respondent will consider the petitioner's representation dated 28.01.2022 with regard to other legal dues and award cost.

7. In view of the above submissions and with the consent of both parties, insofar as for payment of interest is concerned, there shall be a direction to the respondent to pay penal interest at the rate of 4% per annum for the belated payment of gratuity amount to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order, subject to the condition that if the petitioner has not already given up their right for claiming interest for the retirement benefits. It is also made clear that in default, the respondent-Corporation shall have to pay the interest amount at the rate of 6% per annum to the petitioner and insofar as payment of other legal dues and award cost is concerned, the

respondent is directed to consider the representation of the petitioner dated 28.01.2022 and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

(mrn)

To

The Managing Director,
The Tamil Nadu State Transport
(Villupuram Division),
No. 3/137, Salamedu,
Vallatha Reddy Post,
Villupuram - 605 602.

+1cc to Mr.S.Ravi, Advocate SR.No.40559

+2cc to Mr.R.Venkatesa Perumal, Advocate SR.No.41243

W.P.No.16181 of 2022

SVI(CO)
CB(20/07/2022)