



W.P.No.28997 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.No.28997 of 2022

S.Azhagesan  
S/o T.C.Arumugham,  
Regional Manager, Retired,  
Tamil Nadu Warehousing Corporation Limited,  
Kancheepuram District, 13/33,  
Seshadripalayam Street,  
Little Kancheepuram - 631 501 .. Petitioner  
Vs

1. The State of Tamil Nadu represented by its  
Secretary to Government,  
Food, Consumer Protection and Co-operatives Department,  
Fort St.George, Chennai - 600 009.
2. The Managing Director  
(Tamilnadu Warehousing Corporation)/ President,  
Tamilnadu Warehousing Corporation  
Employees Provident Fund Trust, Guindy,  
Chennai - 600 032. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to pay 12% interest on the belated payment of Gratuity (Rs.15,41,868/-) from 29.04.2019 till 123.06.2022.



W.P.No.28997 of 2022

For Petitioner ... Mr.S.Selva Thirumurugan  
For Respondents ... Mr.G.Ameedius,  
Government Advocate for R1  
Mrs.P.Vijaya Devi,  
Government Advocate for R2

### **ORDER**

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to pay 12% interest on the belated payment of gratuity from 29.04.2019 till 23.06.2022 within a time frame to be fixed by this Court.

2. Heard Mr.S.Selva Thirumurugan, learned counsel for the petitioner, Mr.G.Ameedius, learned Government accepts notice on behalf of the 1st respondent and Mrs.P.Vijaya Devi, learned Government Advocate accepts notice on behalf of the 2nd respondents. By consent of both the parties, the writ petition is taken up for final disposal.

3. The petitioner was an employee under the 2nd respondent Corporation and retired from service on 30.04.2019. According to him, his gratuity amount was paid belatedly. Therefore, he seeks for payment of interest at 12% per annum for the period between 29.04.2019 and



W.P.No.28997 of 2022

23.06.2022, when his gratuity amount was paid.

WEB COPY

4. The petitioner has not given any representation till date, as seen from the documents filed along with the writ petition. Therefore, the petitioner will have to give a representation seeking for the relief sought for in this writ petition. No prejudice would be caused to the respondents, if the petitioner is allowed to give a representation and a direction is issued to the respondents to consider the same on merits and in accordance with law, within a time frame to be fixed by this court.

5. For the foregoing reasons, this Court directs the petitioner to submit a representation to the 2nd respondent seeking for payment of interest for the belated payment of his gratuity amount for the period from 29.04.2019 till 23.06.2022 within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the 2nd respondent shall pass final orders on the same on merits and in accordance with law, within a period of eight weeks thereafter.

6. With the aforesaid direction, the writ petition is disposed of. No costs.

**03.11.2022**

Index: Yes/ No

3/5



W.P.No.28997 of 2022

Speaking Order/Non-speaking Order

vsi

WEB COPY

**ABDUL QUDDHOSE, J.**

vsi

To

1. The State of Tamil Nadu represented by its  
Secretary to Government,  
Food, Consumer Protection and Co-operatives Department,  
Fort St.George, Chennai - 600 009.
2. The Managing Director  
(Tamilnadu Warehousing Corporation)/ President,  
Tamilnadu Warehousing Corporation  
Employees Provident Fund Trust, Guindy,  
Chennai - 600 032.

W.P.No.28997 of 2022

03.11.2022



WEB COPY



W.P.No.28997 of 2022