

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.19928 of 2022

N.Liyakat Ali Khan

... Petitioner

/vs./

1.The Principal Secretary to Government,
Labour & Employment Department,
Secretariat,
Chennai-9.

2.The Commissioner of Labour,
Teynampet,
Chennai-18.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 10.08.2022, for payment of interest for belated disbursement of Death cum Retirement Gratuity and Commutation, within the period that may be stipulated by this Court.

For Petitioner : Mr.N.Liyakat Ali Khan (Party in Person)
For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner herein had given a representation to the respondents on 10.08.2022 seeking for payment of interest for belated disbursement of Death cum Retirement Gratuity and Commutation. Since the said representation was not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In identical issues, this Court has passed various orders, justifying the payment of interest to the aggrieved pensioners and in the order dated 13.12.2019 in W.P.(MD) No.26481 of 2019, the following order came to be passed:-

“5.I am not in agreement with the said representation made. There was already a duty cast on the respondent Corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement benefit, had already put the retired employee to serious prejudice, entertaining the present request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employee.

6.In the light of the above observations, there shall be a direction to the respondent /Corporation to pay the penal interest at the rate of 6% per annum on the belated payment of the retirement benefits for the period from the date of the retirement, till the date of actual disbursement, as expeditiously as possible and in any event, not before the expiry of three months from the date of receipt of a copy of this order.”

5. This Court is of the view that the respondents could be directed to pay the interest on the belated payment, at the rate of 6% per annum, as ordered in the above Writ Petition.

6. In this background, there shall be a direction to the respondents to pay the interest to the petitioner at the rate of 6% per annum on the belated payment of the retirement benefits, commencing from the date of retirement, till the date of actual disbursement, within a period of three (3) months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

26.08.2022

Index : Yes / No
Internet : Yes / No
btr/sm

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M.S.RAMESH, J.

btr/sm

To

1.The Principal Secretary to Government,
Labour & Employment Department,
Secretariat,
Chennai-9.

2.The Commissioner of Labour,
Teynampet,
Chennai-18.

Order made in
W.P.(MD)No.19928 of 2022

Dated:
26.08.2022