



Writ Petition No.2896 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2896 of 2023

G.Ekambaram
S/o.P.Govindasamy

...Petitioner

Vs

1.The Assistant Director of Local Fund Audit,
Directorate of Local Fund Audit,
Anna Complex, 4th Floor,
Nandahanam, Chennai - 600 035.

2.The Commissioner,
Thiruppathur Municipality,
Thiruppathur District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to settle the interest for the belated payment of retirement benefits such as gratuity, earned leave, provident fund and other retirement benefits payable to the petitioners with 6% rate of interest within the time frame that may be stipulated by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj



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For Respondents : Mr.Ru.Dinesh Rajkumar,
Additional Government Pleader [R1]
Mr.D.Ravichander,
Special Government Pleader [R2]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to pay interest for the belated payment of retirement benefits to the petitioner within the time frame fixed by this Court.

2. The case of the petitioner is that he was working in the second respondent Municipality and he reached superannuation and retired from service on 31.03.2019.

3. The grievance of the petitioner is that there was a substantial delay in settling the retirement benefits. There was a delay of two months in sanctioning the leave salary, there was a delay of two years in sanctioning of the first instalment of the gratuity amount and there was a delay of nearly three years in sanctioning the second instalment of the gratuity amount. That apart, there is also delay of one year with reference to sanctioning of the



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special provident fund. In view of these delays, the petitioner is seeking for payment of interest. The petitioner made a representation in this regard on 11.11.2022. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

4. Heard Mr.N.Sudhagar Nagaraj, learned counsel for the petitioner, Mr.Ru.Dinesh Rajkumar, learned Additional Government Pleader, appearing for first respondent and Mr.D.Ravichander, learned Special Government Pleader, appearing for the second respondent.

5. In the considered view of this Court, wherever there is a delay in settling the retirement benefits, the aggrieved person is entitled for payment of interest and the law on this issue is too well-settled.

6. In view of the same, there shall be a direction to the second respondent to pay interest at the rate of 6% towards the delay in settling the retirement benefits of the petitioner from the date of entitlement of the petitioner till the date of realization. The entire payment shall be made

N.ANAND VENKATESH, J



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within a period of six (6) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with all relevant documents and also a copy of this order.

Accordingly, this Writ Petition is disposed of with the above direction. No costs.

02.02.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

1. The Assistant Director of Local Fund Audit,
Directorate of Local Fund Audit,
Anna Complex, 4th Floor,
Nandahanam, Chennai - 600 035.

2. The Commissioner,
Thiruppathur Municipality,
Thiruppathur District.

Writ Petition No. 2896 of 2023