



WP No. 37102 / 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM :

THE HONOURABLE DR. JUSTICE D. NAGARJUN

Writ Petition No. 37102 of 2016

M. Rajangam

...Petitioner

Versus

1. The Joint Registrar / Special Officer,
Vellore District Consumers Coop,
Wholesale Stores Ltd.,
No.C.1435 – Vellore,
Old No. 14, New No. 32, Officer's Line,
Vellore – 632 001.

2. The Managing Director / Cooperative Sub Registrar,
Tiruvannamalai District Consumers
Cooperative Wholesale Stores Ltd.,
Lakshmipuram, Tiruvannamalai,
Tiruvannamalai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to disburse the balance retirement benefits to the tune of Rs.33,527/- together with interest at the rate of 20% per annum from the year of 2007 onwards till the disbursement.



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For Petitioners : Mr. C. Prakasam.
For Respondents : Mr. Palanisamy for R1.
Mr. L.P. Shanmugasundaram for R2.

ORDER

This writ petition has been filed seeking for a direction to the respondents to disburse the balance retirement benefits to the tune of Rs.33,527/- together with interest at the rate of 20% per annum from the year 2007 onwards till the disbursement.

2. Heard the learned counsel on either sides and perused the records. During the course of submissions, the learned counsel for the second respondent admits that an amount of Rs.33,527/- is required to be disbursed to the petitioner. However in respect of interest, it is submitted by the learned counsel for the second respondent that the amount of Rs.33,527/- will be reimbursed to the petitioner without any interest. On the other hand, the learned counsel for the petitioner submitted that the respondents had recovered the dues payable by him with interest at the rate of 20% per annum and thereby, he sought for the balance retirement benefits with interest at the rate of 20% per annum.

3. Law on grant of interest on delayed payment of retiral benefits



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has already been settled by the Apex Court in the case of ***State of Kerala***

and Ors. Vs. M.Padmanabhan reported in ***1985 (1) SCC 429*** and

D.D.Tewari (D) Thr.Lrs Vs. Uttar Haryana Bijli Vitran Nigam reported

in ***(2014) 8 SCC 894*** has stated that when there is delay in release of

retiral benefits, interest has to be paid.

4. It is seen that the retirement benefits have not been settled to the petitioner from the year 2007 onwards whereby there was a delay of almost 16 years.

5. Accordingly, this writ petition is disposed of. The second respondent is directed to disburse of the balance retirement benefits to the petitioner to the tune of Rs.33,527/- with interest at the rate of 9% per annum within a period of eight weeks from the date of receipt of a copy of this order and if the respondent is failed to pay the same within the time stipulated, the petitioner is entitled to interest at 18% per annum. No costs.

20.12.2023

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Index: Yes/No



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Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No

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DR. D. NAGARJUN, J

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