



WEB COPY



W.P.No.26085 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.26085 of 2022

M.Thiagarajan

... Petitioner

Vs

1.The Chairman,
Airports Authority of India,
No.354, 'B' Block,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi – 110 001.

2.The Airport Director,
Airports Authority of India,
Chennai Airport,
Chennai – 600 016.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the withheld amount along with amount for encashed leave to petitioner along with interest thereupon, on the basis of petitioner's representation dated 14.07.2022, within a time frame fixed by this Court.



W.P.No.26085 of 2023

For Petitioner : Mr.S.Viswanathan
for M/s.Dass and Viswa Associates

For Respondents : Mrs.S.R.Sumathy for R2

ORDER

Heard Mr.S.Viswanathan, representing for M/s.Dass and Viswa Associates, learned counsel for the petitioner and Mrs.S.R.Sumathy, learned counsel for the second respondent.

2.Through a Charge Memo dated 30.05.2000, the petitioner, who was then serving as a Senior Manager Electronics, was subjected to Departmental Proceedings. Ultimately, on 08.03.2007, the Disciplinary Authority had imposed punishment of withholding of 20% of the gratuity amount payable to the petitioner permanently. The order further states that the other withheld dues would be released soon after the issue of the order dated 08.03.2007. The petitioner has now filed the present writ petition seeking for implementation of the order dated 08.03.2007.

3.Though the order states that the other withholding dues would be released to him expeditiously and 16 years have passed, the respondents have withheld the remaining portion of the amount, after reduction of the



portion, which was imposed as the punishment.

4.The counter affidavit filed by the respondents herein does not assign any satisfactory explanation as to the exorbitant and inordinate delay.

5.As a matter of fact, the counter affidavit admits the liability to pay the balance of the amount that had been withheld, apart from the dues towards encashment of the un-utilised Earned Leave, which is said to have been received by the petitioner.

6.This Court is not in appreciation in the manner in which the respondents have deprived an employee of his legal dues.

7.Apparently, since the respondents themselves are aware of the lapse on their part, they are bound to pay the interest on the dues also. I am of the view that if such interest is ordered to be paid at the rate of 12% per annum, the same would be reasonably compensate the petitioner, since serious prejudice would have been caused to the



W.P.No.26085 of 2023

petitioner, over this inordinate delay of 16 years.

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8. Recording the statement made in the counter affidavit that the respondents are willing to release the terminal benefits to the petitioner, after deducting any un-utilised Earned Leave, there shall be a direction to the respondents herein to disburse the entire retirement benefits together with interest at the rate of 12% per annum from 08.03.2007 till the date of actual payment, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above observation and direction, the writ petition stands allowed. No costs.

20.06.2023

Index: Yes/No
Speaking order/Non-speaking order
vga

To



W.P.No.26085 of 2023

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W.P.No.26085 of 2023

M.S.RAMESH,J.

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W.P.No.26085 of 2022

20.06.2023