



W.P.No.6170 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.6170 of 2017

K.M.Chinnasamy

... Petitioner

Vs.

1. The Managing Director,
Tamilnadu Civil Supplies Corporation Ltd.,
No.42, Thambu Samy Street,
Kilpauk, Chennai – 10
2. The Regional Manager,
Tamilnadu Civil Supplies Corporation Ltd.,
H38, A/10, Manickampalayam Housing Unit,
Erode – 638 011
3. The Deputy Regional Manager,
Tamilnadu Civil Supplies Corporation Ltd.,
H 38 A/10, Manickampalayam Housing Unit,
Erode – 638 011

...Respondents

Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to pay interest at the rate of 18% per annum for the delayed payment of retiral benefits viz., (i) Leave encashment benefit money of Rs.2,72,101/- for the period from 31.11.2009 to 10.11.2016 and (ii) gratuity money of Rs.3,50,000/- for the period from 31.11.2009 to 20.09.2011 in accordance



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with the Judgment of this Court in P.V.Mahadevan Vs. Secretary to Government and pass such further orders.

For Petitioner : Mr.V.Ravindran for
M/s Giridhar and Sai

For Respondents : Mr.S.R.Sankareshwaran for
Dr.K.Thirugnanam

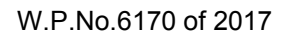
ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to pay interest at the rate of 18% per annum for the delayed payment of retiral benefits viz., (i) Leave encashment benefit money of Rs.272101/- for the period from 31.11.2009 to 10.11.2016 and (ii) gratuity money of Rs.3,50,000/- for the period from 31.11.2009 to 20.09.2011 in accordance with the Judgment of this Court in P.V.Mahadevan Vs. Secretary to Government and pass such further orders.

2. The brief facts of the case is as follows:-

(i) The petitioner joined the service as Mill Technical Assistant during the year 1975 and he was promoted as Quality Inspector during the year 1989 and to the post of Assistant Manager during the year 2006 and

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petitioner for more than 7 years after his retirement for no fault on his part is arbitrary and unreasonable. The action of the respondents in deducting a sum of Rs.13529.26 towards storage loss which has already been recovered from the petitioner's salary is unreasonable, thereby pleaded to allow the present petition.

4. On the other hand, the learned standing counsels appearing on behalf of the respondents submits that the case of the petitioners will be considered strictly in accordance with law. Further, the petitioners have claimed interest at the rate of 18%, which is on the higher side, if the petitioners are found eligible, appropriate orders will be passed fixing the interest prevailing as on date within a time to be fixed by this Court.

5. Considering the above said facts and circumstances of the case and taking note of the submissions made by the learned counsel appearing for the respondents, there shall be a direction to the respondents to pay interest at the rate of 4% per annum for the belated payment of leave encashment benefit of Rs.2,72,101/- for the period from 31.11.2009 to 10.11.2016 and 6.5% interest on the gratuity money of Rs.3,50,000/- for the period from 31.11.2009 to 20.09.2011 within a period of twelve weeks



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from the date of receipt of a copy of this order, if there is no legal impediment.

In view of the above, the present Writ Petition is disposed of. No costs.

18.12.2023

Index : Yes/No
Internet : Yes/No
Speaking order / non speaking order
ssd

To

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V.BHAVANI SUBBAROYAN, J.,

ssd

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