



W.A(MD)No.739 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2023

CORAM:

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
AND
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

**W.A(MD)No.739 of 2013
and
M.P(MD)No.1 of 2013**

The Management of
Tamilnadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Rep. by its General Manager,
Dindigul.

... Appellant/1st Respondent

.Vs.

1.M.Ramaraj

...1st Respondent/Petitioner

2.The Administrator,
TNSTC Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-2.

... 2nd Respondent/2nd Respondent



W.A(MD)No.739 of 2013

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act, to set aside the order dated 06.01.2009 made in W.P(MD)No.10894 of 2008.

For appellant : Mr.Gladson Micheal Rajadurai
Standing Counsel

For R1 : Mr.S.Arunachalam

For R2 : No appearance

JUDGMENT

(Order of the Court was made by R. SURESH KUMAR,J.)

This Intra Court appeal is directed against the order passed by the writ Court, dated 06.01.2009 made in W.P(MD)No.10894 of 2008.

2. The first respondent herein was an employee working in the appellant Corporation and after retirement, his retiral benefits have to be given to him, but it was not paid, therefore, he had approached this Court by filing the said writ petition.



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3. While deciding the said writ petition, the plea raised by the appellant corporation before the writ Court was that, due to financial crisis, immediately, the said amount cannot be settled, therefore, he sought some installments for settling the said amount, hence, the learned Judge granting 4 installments to settle the dues and gave a direction to the appellant Corporation. Aggrieved over the same, this appeal has been filed.

4. When the appeal is taken up for hearing today, Mr.S.Arunachalam, learned counsel appearing for the first respondent/employee, on instructions, would submit that, insofar as the retirement benefits are concerned that has been paid of course belatedly, therefore, the employee is entitled to get the interest for such belated payment that interest have not been calculated and paid.

5. Which date actually the retiral benefits has become due and which date that was paid to the first respondent is not known, therefore, there cannot be calculation now. At this juncture, the main import of the order passed by the writ court, though has been challenged in the writ appeal, has completely been settled during the pendency of the writ appeal, we do not find anything further to be



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persuaded in this matter. Therefore, recording the aforesaid development, the writ appeal is dismissed. However, it is open to the first respondent to work out his remedy for getting interest for the belated payment of the retiral benefits in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.K.,J.] [K.K.R.K.,J.]
17.03.2023

Index : Yes / No
Internet : Yes / No
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R. SURESH KUMAR, J.
and
K.K.RAMAKRISHNAN, J.

am

JUDGMENT MADE IN
W.A(MD)No.739 of 2013

17.03.2023