



W.P(MD)No.5851 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5851 of 2023
and
W.M.P.(MD)No.5413 of 2023

N.Ramasamy

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation (TNCSC),
No.12, Thambu Samy Road,
Chennai-600010.

2.The Regional Manager,
TNCSC,
No.10, Kuruvikaran Salai,
Madurai-625 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed in AE/15/13140/2019, dated 10.02.2022 issued by the first respondent and quash the same in respect of the recovery amount and consequently, direct the respondents to give 18% simple interest for the delayed disbursement (46 months) of encashment of leave salary of Rs.9,45,725/- as that of similarly placed person in W.A.No.1286 of 2012, dated 10.01.2013 within a stipulated time.



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For Petitioner : Mr.R.Lakshmanan

For Respondents : Mr.K.R.Badurus Zaman
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The petitioner retired as shift engineer on 31.05.2018. A sum of Rs.61,420/- was recovered from the petitioner's terminal benefits. The petitioner challenges the recovery.

3. I am not inclined to entertain the challenge for the simple reason that the recovery order is rather consequential in nature. The original order was passed way back in the year 2018. However, the petitioner has to be given some relief. The petitioner's terminal benefits were settled only on 21.03.2022. The petitioner has not been given any pension. In such case, the terminal benefits should have been settled immediately.

4. In normal circumstances, on the belated settled of terminal benefits, this Court orders 6% interest per annum. But considering the



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special facts and circumstances of this case, the respondent is directed to pay interest at the rate of 8% per annum on the belated settlement. This shall be done within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is allowed accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

02.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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