



W.P.No.6108 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.6108 of 2023

and W.M.P.Nos.6144 and 6146 of 2023

Swamiyappan

...Petitioner

Vs

1.The Tamil Nadu State Transport
Corporation Ltd.,
Coimbatore Division I
rep by its Managing Director,
No.37, Mettupalayam Road,
Coimbatore.

2.The Administrator,
Tamil Nadu Pension Trust,
Pallavan Salai,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the orders passed by the 1st respondent in No.2513 V N3/TNSTC (Cbe) 2022 dated 18.04.2022 and quash the same, direct the 1st respondent herein to pay difference in gratuity amount along with interest.



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For Petitioner : Mr.D.Anand Raja
For Respondents : Mr.A.Sundaravadanam for R1
Mr.C.S.K.Sathish for R2

ORDER

The petitioner has filed this writ petition to issue a Writ of Certiorari Mandamus to call for the records relating to the orders passed by the 1st respondent in No.2513 V N3/TNSTC (Cbe) 2022 dated 18.04.2022 and quash the same and consequently, direct the 1st respondent herein to pay difference in gratuity amount along with interest.

2. The case of the petitioner is that the petitioner was working with the first respondent and retired from service on 30.11.2010. After retirement, the 1st respondent has not settled his retirement benefits due to paucity of funds. The petitioner is entitled to be paid with all retirement benefits on the date of retirement. however, the 1st respondent failed to settle the retirement benefits citing various reasons which had put the petitioner and their family into serious hardship. Hence, the petitioner made a representation to the 1st respondent to pay the difference in gratuity payment and interest for the delayed settlement



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of retirement benefits, but the 1st respondent has not paid the difference in gratuity amount and issued a letter dated 18.04.2022 stating that the gratuity amount has been settled according to the petitioner's last drawn salary. While so, the petitioner filed a writ petition in W.P.No.14520 of 2022 seeking direction to the 1st respondent to pay the difference of payment made in gratuity and interest for delay in settlement of retirement benefits. This Court vide order dated 11.08.2022 had directed the petitioner to give fresh representation to the respondents. As per the directions of this Court, the petitioner made a representation dated 16.09.2022 to the 1st respondent, to pay interest for the retirement benefits. However, no action has been taken by the 1st respondent till date. Hence this petition.

3. The learned counsel appearing for the respondents submitted that the representation of the petitioner will be considered and will pay the eligible amount with 6% interest P.A as per the earlier orders of this Court.

4. A perusal of the letter dated 18.04.2022 issued by the 1st respondent would reveal that the gratuity amount has been settled



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according to the petitioner's last drawn salary, which is nothing but an erroneous and the same is liable to be set aside.

5. Accordingly, the impugned order dated 18.04.2022 is quashed and this Court directs the 1st respondent to consider the representation of the petitioner and pass orders afresh on the claim made by the petitioner within a period of twelve weeks from the date of receipt of a copy of this Order. With regard to interest for the belated payment it will be 6% interest per annum from the date on which the amount became due and payable till the date of disbursement. It is made clear that if the amount is not paid within the time frame fixed by this Court, the same will carry interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of disbursement.

6. With the above directions, this Writ Petition stands disposed of. No order as to costs. Consequently, connected miscellaneous petitions are closed.

19.11.2024

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



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V.BHAVANI SUBBAROYAN,J.

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