



WEB COPY



W.A.No.2326 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.2326 of 2021
and
C.M.P.No.14738 of 2021

1. The Commissioner Of Labour,
DMS Compound, Teynampet,
Chennai 600006.

2. The Deputy Commissioner Of Labour,
Salem.

... Appellants

Vs.

T.Rajendran

... Respondent

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed in WP No.471 of 2021, dated 05.02.2021.

For Appellants : Mr.T.Chandra Sekaran,
Special Govt. Pleader.

For Respondent : No Appearance



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J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

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The writ order dated 05.02.2021 in W.P.No.471 of 2021 is under challenge in the present writ appeal. The Commissioner of Labour is the appellant before us.

2. The respondent in the present writ appeal filed the writ petition seeking settlement of gratuity and other retiral benefits along with the interest. The writ Court considered the facts and circumstances and found that the respondent was facing criminal case and departmental disciplinary proceedings during the relevant point of time. However, after disposal of the same, retiral benefits ought to have been settled without causing any undue delay. However, there was a delay in settling the gratuity and other benefits.

3. As far as the gratuity is concerned, the Department is not obligated to settle the same during the pendency of the departmental disciplinary proceedings and the criminal case. However, the leave salary and encashment of unearned leave etc., ought to have been settled soon after the retirement of the employee. Admittedly, the said dues were not settled during the relevant point of time and were paid to the employee belatedly. Thus, the respondent



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is entitled for interest on the encashment of unearned leave benefits, leave salary, SPF and GPF, except gratuity. Thus, the appellants are bound to settle interest for belated payment of eligible dues.

4. The learned Single Judge has rightly considered the spirit of Rule 69(1) (b) of the Tamil Nadu Pension Rules, 1978. Thus, we do not find any infirmity in the order impugned. Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(C.K.J.,)

24.06.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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