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W.P.No.30591 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

Writ Petition No.30591 of 2019

S. Mahalingam

... Petitioner

-Vs-

The Regional Manager,
Tamilnadu Handloom Weavers,
Co-Operative Societies Limited,
350, Pantheon Road,
Egmore, Chennai-600 008

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, to call for the records of the order of the respondent RC. No.A/S. Mahalingam/2019/A1 dated 31.05.2019 and quash the same and direct the respondent to pay the interest amount of Rs.9,88,032/- towards the inordinate delay in settling the service benefits as entitled to the petitioner as claimed and pass such other suitable order.

For Petitioner : Mr.B. Eswaran
(For M/s.Suraj Associates)

For Respondent : Mr. M. Murali
(Govt. Advocate)



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ORDER

The Writ Petition has been filed questioning the order passed by the respondent dated 31.05.2019 in RC. No.A/ S. Mahalingam/2019/A1 and quash the same and also sought for a direction directing the respondent to pay an amount of Rs.9,88,032/- towards interest.

2. It is the case of the petitioner that he worked in the respondent society and retired from service on attaining the age of superannuation on 28.02.2011. Thereafter, the petitioner made a claim for payment of certain amounts and also initiated certain other legal proceedings aggrieved by withholding of certain amounts by the respondent. The said proceedings initiated by the petitioner have been decided by the different forums including this court by passing various orders from time to time. In terms of the said order passed by this Court, the respondent has admittedly paid all the amounts due and payable to the petitioner.

3.The claim of the petitioner in the writ petition is for payment of interest on such amounts paid to the petitioner under various orders passed by



different legal forum including this Court on the ground that the petitioner is entitled for such amount long before and the said amounts were not released in favour of the petitioner till the appropriate orders were passed by the different legal forums and therefore, the petitioner is entitled for payment of interest at the rate of 18% per annum.

4. As already observed above, it is not in dispute that the amounts that were claimed by the petitioner against the respondent by initiating different legal proceedings were paid by the respondent mostly in the year 2011 and few amounts in the month of January 2017. It is the case of the respondent that the petitioner is not entitled for interest from the respondent as there is no delay on the part of the respondent and it is for the petitioner to make a claim for payment of interest as well when he initiated various ground of litigations.

5. It is true that the petitioner has not made any claim but satisfied with the various orders passed for payment of principal amount. But, surprisingly after having received the said amount prior to the year 2012, it is only in the year 2018, the petitioner has approached by filing the W.P. No.1922 of 2018 and this court by order dated 12.02.2019, directed the respondent to consider the representation that was submitted by the petitioner. The respondent after



having considered the said representation passed an elaborated order dated 31.05.2019, contending that the amounts that were ordered by the competent forum, were already paid and there is no liability of payment of interest fixed in any of the orders passed in favour of the petitioner by any forum and therefore, the respondent is not liable to pay the interest.

6.This Court has perused the orders passed in favour of the petitioner and is of the considered view that the amounts that were payable to the petitioner, paid only by virtue of various orders passed by the various forums. The amounts that were withheld from the terminal benefits of the petitioner amounting to Rs.3,75,159/- which is the subject matter of order passed by this Court in W.P. No.21772 of 2010. This Court by order dated 17.02.2011 allowed the said writ petition with costs of Rs.10,000/- payable to the petitioner. Consequent upon the said order and quashing of the impugned order therein dated 23.08.2010, the respondent had paid the amount that were payable to the petitioner to the tune of Rs.3,75,000/- in the month of June 2011. As already noted above, the petitioner retired on attaining the age of the superannuation on 28.02.2011 and the said amount that was due and payable to the petitioner immediately thereafter was found to be illegally withheld by the respondent till this Court passed an order dated 17.02.2011. Thus, it appears to



be delay in payment of the said amount which is said to have been paid by the respondent in two installment in the month of June and December 2011. In respect of other amounts, claimed by the petitioner are concerned there is no substantial material that is placed before this Court to attribute the delay on the part of the respondent. Hence, this Court is not inclined to grant interest on the amount claimed by the petitioner except granting interest of Rs.3,75,000/- which is ultimately paid to the petitioner pursuant to the order passed by this Court on 17.02.2011.

7. Hence, the writ petition is disposed of directing the respondent to pay interest at the rate 6% p.a. on Rs.3,75,000/- to the petitioner for the delayed period. The respondent is hereby directed to pay the same as early as possible at any rate within a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ petition is disposed of. No costs.

29.04.2024

Index : Yes/No

Internet : Yes/No

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MUMMINENI SUDHEER KUMAR, J.

Lbm

To

The Regional Manager,
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