



W.P.(MD).No.7799 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.7799 of 2024

P.Harihara Raman

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Transport Department, Secretariat,
Fort St. George, Chennai – 600 009.

2.The Management of State Express
Transport Corporation, (Tamilnadu) Ltd.,
Represented by its
Managing Director,
Pallavan Salai, Chennai-02.

3.The Management of
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Rep. by its Managing Director,
Tirunelveli.

4.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Government letter bearing No. 10798/A4/TNSTC (TNV)/NGL/2013 dated 30.04.2022, quash the same as illegal in so far as denying the petitioner, interest for the belated payment of Gratuity of Rs.10,00,000/- which was settled to him vide cheque No.711752 dated 26.12.2018 and consequently direct the respondents to pay him the statutory interest of 10% per annum for the period from 31.12.2013 to 26.12.2018 for the belated payment of gratuity amount within a time frame fixed by this Court.

For Petitioner : Mr.A.Rahul
For R-1 : Mr.J.Ashok
Additional Government Pleader
For R-2 & R-4 : Mr.S.C.Herold Singh
For R-3 : Mr.K.Ramaiah

ORDER

This Writ Petition has been filed seeking to quash the impugned Government letter dated 30.04.2022, in so far as denying the petitioner's interest for the belated payment of Gratuity of Rs.10,00,000/- which was settled to him vide cheque No.711752 dated 26.12.2018 and consequently direct the respondents to pay him the statutory interest of 10% per annum for the period from 31.12.2013 to 26.12.2018 for the belated payment of gratuity amount.



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2. Heard Mr.A.Rahul, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the 1st respondent, Mr.S.C.Herold Singh, learned counsel for the 2nd and 4th respondents and Mr.K.Ramaiah, learned counsel for the 3rd respondent.

3. Mr.A.Rahul, learned counsel for the petitioner submitted that the first respondent vide Government Letter dated 31.12.2013, allowed the petitioner to retire from service on 31.12.2013 subject to continuance of disciplinary proceedings. The disciplinary proceedings also came to an end by proceedings dated 23.06.2017 on payment of Rs.22,000/- by the petitioner as ordered. The petitioner was getting the provisional pension at the rate of 75% from 01.01.2014 to 13.07.2017. However, the arrears of 25% of pension arrears was withheld by the authorities. Earlier, the petitioner had filed Writ Petition in W.P.(MD).No.15396 of 2022 seeking to pay the balance 25% pension arrears from 01.01.2014 to 13.07.2017 with 6% interest per annum and the said Writ Petition was allowed vide order dated 15.07.2022 directing the authorities to consider and pass orders within a period of twelve weeks. Since the said order was not complied, the petitioner filed Contempt Petition (MD)No.308 of 2023 and the same is pending.



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4. Mr.A.Rahul, learned counsel for the petitioner also submitted that the petitioner was also paid a sum of Rs.10,00,000/- towards gratuity by cheque dated 26.12.2018. However, he was not paid with interest for the belated payment of gratuity. Hence, the petitioner preferred a representation dated 19.03.2022 requesting them to pay interest for the belated payment of gratuity and the same was rejected by the third respondent vide impugned letter dated 30.04.2022 on the ground that the gratuity amount was paid on 26.12.2018 without any delay. However, the petitioner's gratuity was withheld from 31.12.2013 to 26.12.2018. According to the petitioner, the respondents ought to have released the gratuity immediately after his retirement i.e., on 31.12.2013.

5. Mr.K.Ramaiah, learned counsel for the third respondent submitted that the gratuity was withheld only because the petitioner was subjected to the disciplinary proceedings and the disciplinary proceedings was ended on 23.06.2017.

6. But, it appears that the petitioner was subjected to the disciplinary proceedings only under the pension rules consequent to his retirement. At that time, when the petitioner was allowed to retire, there



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was no disciplinary proceedings pending against him and hence nothing prevented the respondents 1 to 3 to release the gratuity payable to the petitioner.

7. Since the gratuity amount payable to the petitioner was withheld by the respondents, even after the petitioner was allowed to retire on 31.12.2013, the third respondent is liable to pay interest at the rate of 4% for the belated payment of Gratuity to the petitioner.

8. With the above observations, this Writ Petition is **disposed of** with a direction to the third respondent to pay interest to the petitioner at the rate of 4% for the belated payment of Gratuity for the period from 31.12.2013 to 26.12.2018. No costs.

26.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr



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To:

WEB COPY

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R.N.MANJULA, J.

Nsr

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26.04.2024