

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

THE HON'BLE MR. JUSTICE D. HARIPARANTHAMAN

W.P.No.15761 of 2015

S.M.U.Syed Ibrahim

Petitioner

vs.

- 1.The Government of Tamil Nadu
Rep. By the Secretary to the Government,
Agriculture Department,
Fort St. George,
Chennai - 600 009.
- 2.The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai - 600 035.
- 3.The Principal Accountant General,
Accounts and Entitlements,
Tamil Nadu, Chennai - 600 018.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking writ of certiorarified Mandamus directing the respondents to pay interest for the belated payment of pension, communication of pension, DCRG, enhancement of earned leave, SPF etc., as claimed in the petitioner's representation dated 26.02.2015 within a time limit to be fixed by this Court.

For petitioner : Mr.P.Manoj Kumar

For Respondents: Mr.S.Gunasekaran
Government Advocate

ORDER

In view of the narrow prayer made during the hearing of the writ petition, the writ petition is disposed of at the admission stage itself.

2. The petitioner was working as Assistant Executive Engineer in Agricultural Engineering Department. He was due to retire on 31.05.2006. However, he was not permitted to retire from service due to a departmental proceedings, invoking Rule 56(1) (c) of the Fundamental Rules. Three charge memos were issued to him and

enquiry was conducted. The Enquiry Officer found that the charges were not proved. The Government accepted the findings and issue G.O.(D).No.43 Agriculture (AA8) Department dated 06.03.2013, G.O.(D)No.49 Agriculture (AA8) Department dated 19.03.2013 and G.O.(D) No.59, Agriculture (AA8) Department dated 01.04.2013 dropping all the charges.

3. In view of the same, the Government issued another order dated 27.03.2014 revoking the suspension and permitting him to retire from service with effect from 31.05.2006.

4. Thereafter, he was paid the retirement benefits such as DCRG, Provident Fund, Encashment of Earned Leave, Commutation of Pension etc. But, he was not paid interest for the aforesaid payments.

5. Hence, he made a representation dated 26.02.2015, seeking interest on the belated payment of terminal benefits.

6. According to the learned counsel for the petitioner, the petitioner is entitled to interest for DCRG, Provident Fund, Encashment of Earned Leave, Commutation of Pension etc. as per Rule 44 of the Tamil Nadu Pension Rules and he is also entitled to interest of all other terminal benefits for the belated payments in view of the Division Bench of this Court in Government of Tamil Nadu v. M.Deivasigamani reported in 2009 (3) MLJ 2001. He further submitted that the 1st respondent could be directed to dispose of the representation of the petitioner.

7. In view of the narrow prayer made, the 1st respondent is directed to pass orders on the representation dated 26.02.2015 of the petitioner for interest on the belated payment of terminal benefits in the light of the Tamil Nadu Pension Rules and in the light of the Division Bench of this Court in Government of Tamil Nadu v. M.Deivasigamani 2009 (3) MLJ 2001 within a period of 12 weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS III)

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Sub Asst. Registrar

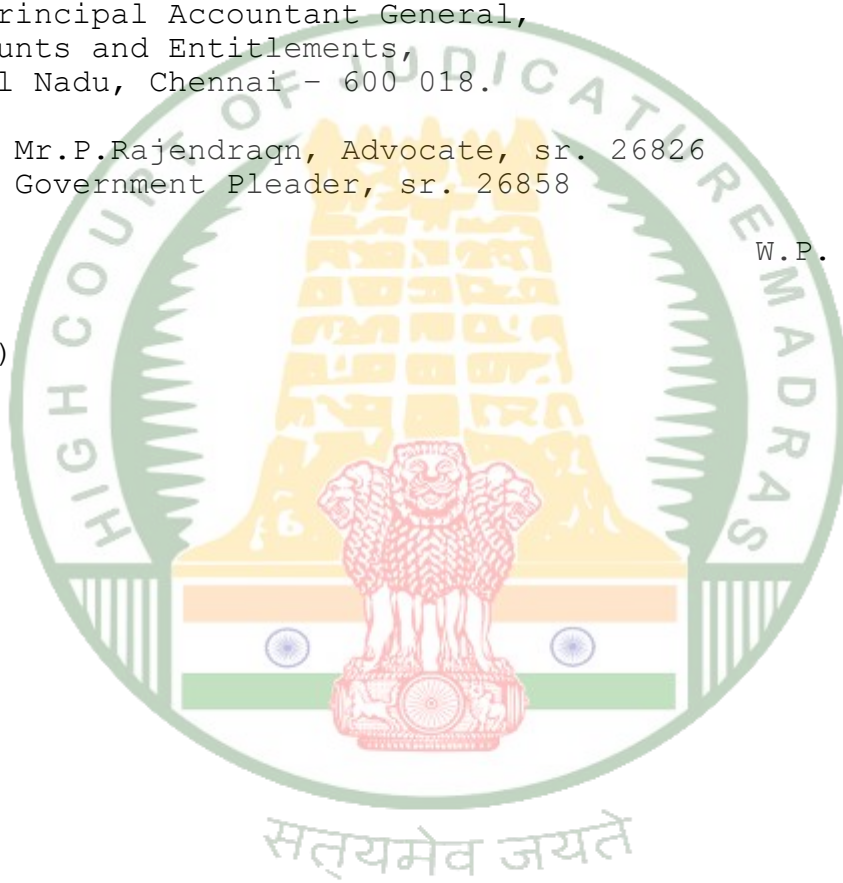
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To

- 1.The Secretary,
Government of Tamil Nadu,
Agriculture Department,
Fort St. George,
Chennai - 600 009.
 - 2.The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai - 600 035.
 - 3.The Principal Accountant General,
Accounts and Entitlements,
Tamil Nadu, Chennai - 600 018.
- 1 cc to Mr.P.Rajendragan, Advocate, sr. 26826
1 cc to Government Pleader, sr. 26858

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