

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2015

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THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.15975 of 2015

G.Sivaraman

... Petitioner

Vs.

The Tamil Nadu Housing Board,  
Rep. by the Managing Director,  
493, Anna Salai, Nandanam,  
Chennai - 35.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to sanction and disburse interest at 12% per annum (Compounded annually) to the petitioner on the delayed payment of commuted value of pension of Rs.3,24,469/- for the period from 1.3.2003 to 30.4.2013 and for Rs.1,41,358/- from 1.5.2013 to 30.11.2014 within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.V.Anandamoorthy

O R D E R

Heard both sides. Mr.P.Anandamoorthy, learned Standing Counsel takes notice for the respondent. By consent of both the parties the writ petition is taken up for final disposal.

2.The petitioner joined his services in the Tamil Nadu Housing Board as Supervisor on 12.03.1965. He was promoted as Assistant Executive Engineer on 17.04.1982 and further promoted as Executive Engineer on 19.11.2001. He retired from service on 30.11.2002 on reaching the age of superannuation without prejudice to the two penal proceedings pending against him.

3.The two penal proceedings were dropped by proceedings dated 30.06.2005 and 30.05.2012. In the circumstances, the petitioner was granted gratuity and earned leave encashment benefits vide order dated 01.08.2012 and 16.10.2012.

4.The petitioner filed W.P.No.3050 of 2014 seeking direction to grant interest for the belated payment of gratuity and earned

leave encashment. By order dated 03.02.2014, this Court allowed the writ petition and issued directions to pay interest as applicable on the belated payment of gratuity and earned leave encashment. Thereafter, the petitioner was granted commuted value of pension vide proceedings dated 02.12.2014. The petitioner has submitted a representation dated 29.12.2014 to grant interest on the belated payment of commuted value of pension. The petitioner also gave reminders of the representation dated 19.01.2015 and 14.02.2015.

5.The petitioner has filed this writ petition seeking for interest on the belated payment of commuted value of pension in the light of the decision of the Hon'ble Division Bench of this Court reported in 2009 3 MLJ 1 (State of Tamil Nadu represented by its Secretary to Government, Revenue Department, Chennai Versus Deivasigamani) and also in the light of the order dated 30.07.2010 passed in W.P.No.6902 of 2006.

6.In view of the narrow prayer made, the writ petition is disposed of by directing the respondent to consider the petitioner's claim for interest on the belated payment of commuted value of pension in the light of the decision of the Hon'ble Division Bench of this Court reported in 2009 3 MLJ 1 (State of Tamil Nadu represented by its Secretary to Government, Revenue Department, Chennai Versus Deivasigamani) and also in the light of the order dated 30.07.2010 passed in W.P.No.6902 of 2006, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar (CS IV )

/true copy/

Sub Asst. Registrar

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To

1.The Managing Director,  
Tamil Nadu Housing Board,  
493, Anna Salai, Nandanam,  
Chennai - 35.

1 cc to Mr.M.Ravi, Advocate, Sr. 27097

1 cc to Mr.V.Anandamoorthy, Advocate, Sr. 26954

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KSJ (CO)

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