

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.15976 of 2015

V.Selvaraj

... Petitioner

Vs.

1.The Tamil Nadu Housing Board,
Rep. by the Managing Director,
Chennai - 600 035.

2.The Administrative Officer,
Tamil Nadu Housing Board,
Chennai - 600 035.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 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.3,58,987/- for the period from 1.4.2001 to 31.7.2014 within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.V.Anandamoorthy

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Heard both sides. Mr.V.Anandamoorthy, learned Standing Counsel takes notice for the respondents. 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 21.09.1963. He was promoted as Assistant Executive Engineer on 19.12.1978 and further promoted as Executive Engineer in the year 1996 and further promoted as Superintending Engineer on 23.10.2000. He retired from service on 31.12.2000 on reaching the age of superannuation without prejudice to the pending Audit Paragraphs.

3.The two Audit Paragraphs were dropped by proceedings dated 18.04.2005. In the circumstances, the petitioner was granted provisional pension with effect from 01.01.2001 and he was not given any other pensionary and retirement benefits.

4.The petitioner filed W.P.No.27607 of 2014 seeking direction to grant interest for the belated payment of gratuity and earned leave encashment. By order dated 17.10.2014, this Court issued directions to pay interest as applicable on the belated payment of gratuity and earned leave encashment. It is stated that pursuant to the direction interim interest was paid for the belated payment of gratuity and earned leave encashment benefit. Thereafter, the petitioner was granted commuted value of pension vide proceedings dated 12.12.2014. The petitioner has submitted a representation dated 27.12.2014 to grant interest on the belated payment of commuted value of pension. The petitioner also gave reminders of the representation dated 19.03.2015.

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 the Managing Director,
Tamil Nadu Housing Board, Chennai - 600 035.

2.The Administrative Officer,
Tamil Nadu Housing Board, Chennai - 600 035.

1 cc to Mr. Anandamoorthy, Advocate, Sr. 26955

W.P.No.15976 of 2015

KSJ (CO)

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