

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.16636 of 2015

S.Nageswari

...Petitioner

Vs.

1. The Director of Collegiate Education,
EVK Sampath Buildings,
Chennai-6.
2. The Joint Director of Collegiate Education,
Saidapet, Chennai-15.
3. The Secretary,
SIVET College,
Gowrivakkam, Chennai-73.

...Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the third respondent to effect the payment of interest for the delayed payment of retirement benefits of the petitioner within a specified date.

For Petitioner : Mr.V.Bhiman

For Respondents : Mrs.M.E.Raniselvam,
Additional Government Pleader

ORDER

With the consent of both sides, the writ petition itself is taken up for final disposal.

2. The prayer in the writ petition is to direct the third respondent to effect the payment of interest for the delayed payment of retirement benefits of the petitioner within a specified period.

3. The petitioner was working as a Professor in the third respondent College, an aided Institution. She retired from service on 30.04.2013 after rendering 34 years of service. She was belatedly settled the terminal benefits after about 1 1/2 years. The grievance of the petitioner is that she is not paid interest on the belated payment of terminal benefits including DCRG. According to the petitioner, as per Rule 45(A) of the Tamil Nadu Pension Rules, she is entitled to interest on the belated payment of DCRG. In respect of other terminal benefits, according to the petitioner, she is entitled to interest as per the decision of the Division Bench of this Court in the case of GOVERNMENT OF TAMIL NADU, REPRESENTED BY THE SECRETARY TO GOVERNMENT VS. M.DEIVASIGAMANI [2009 (3) MLJ 1]. The petitioner made a representation dated 11.03.2015 to all the respondents. However, the learned counsel appearing for the petitioner submits that a direction could be issued to the second respondent to dispose of the said representation for interest on the belated payment of terminal benefits in the light of Rule 45(A) of the Tamil Nadu Pension Rules and also based on the judgment referred to above in a stipulated period.

4. In view of the limited prayer now sought for by the petitioner seeking a direction to the second respondent to dispose of her representation dated 11.03.2015, there will be a direction to the second respondent to consider and pass orders on the petitioner's representation dated 11.03.2015, seeking for interest on belated settlement of terminal benefits, based on the orders of the Division Bench of this Court in GOVERNMENT OF TAMIL NADU, REPRESENTED BY THE SECRETARY TO GOVERNMENT VS. M.DEIVASIGAMANI [2009 (3) MLJ 1], wherein, the judgment of the Honourable Supreme Court in S.K.DUA VS. STATE OF HARYANA [2008 (3) SCC 44] was relied on, within a period of eight weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Jr1

To

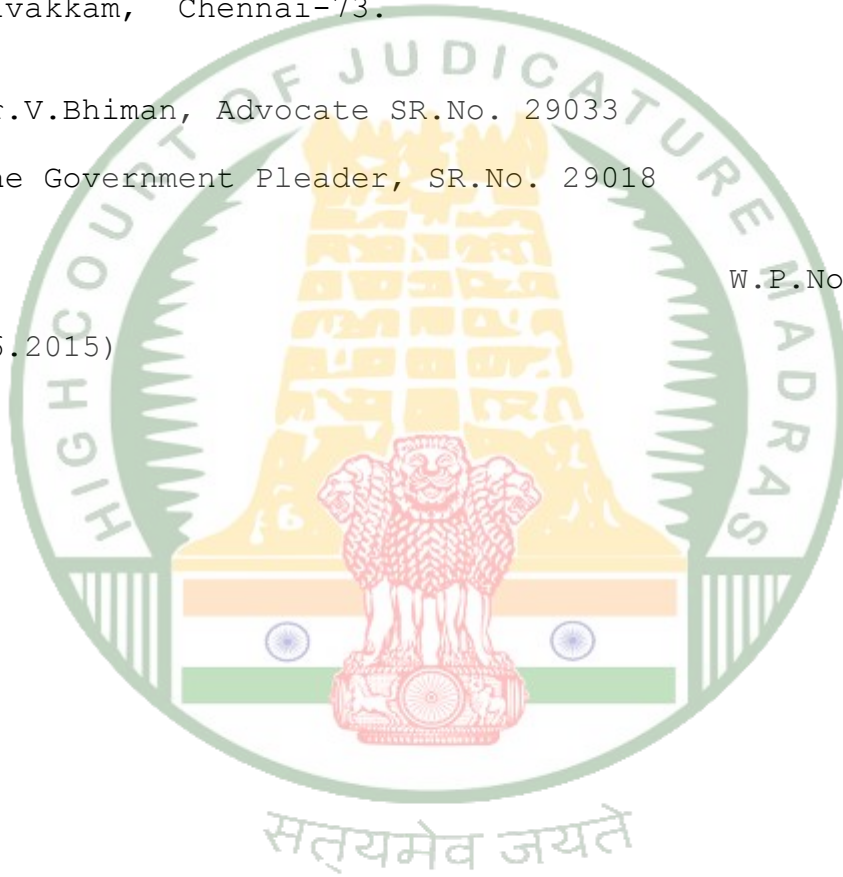
1. The Director of Collegiate Education,
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1 CC to Mr.V.Bhiman, Advocate SR.No. 29033

1 CC to the Government Pleader, SR.No. 29018

W.P.No.16636 of 2015

RJ (CO)
PSI (22.06.2015)



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