

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.17448 of 2015

V.Sairam

... Petitioner

Versus

1. The Government of Tamil Nadu
rep. By the Secretary to 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

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to pay interest for the belated payment of pension, commutation of pension, DCRG, encashment of earned leave, SPF etc., to the petitioner as claimed in his representation dated 16.03.2015 within a time limit fixed by this Court.

For Petitioner : Mr.P.Rajendran

For Respondent : Mrs.M.E.Raniselvam
Additional Government Pleader

O R D E R

The petitioner seeks for a direction to the respondents to pay interest for the belated payment of pension, commutation of pension, DCRG, encashment of earned leave, SPF etc., to the petitioner as claimed by him in his representation dated 16.03.2015.

2.The petitioner was an Assistant Engineer in the Agricultural Engineering Department. When he reached the age of superannuation on 31.05.2008, he was not permitted to retire since a Disciplinary Proceeding was pending against him. Ultimately the proceeding ended in his favour and the Government passed an order dated 01.04.2013 dropping the charges. Thereafter, the Government issued another order dated 27.03.2014 revoking the suspension and permitting the petitioner to retire from service on 31.05.2008. While so, the petitioner was given retirement benefits such as DCRG, encashment of earned leave, SPF etc.. But he was not paid interest on the belated payment of pension.

3.Admittedly, the charges were dropped and therefore, the petitioner is entitled to interest on DCRG as per Rule 45-A of the Tamil Nadu Pension Rules and he is entitled to interest for other terminal benefits based on the judgment of the Division Bench in GOVT. OF TAMIL NADU REP. BY THE SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, CHENNAI AND ANOTHER VS. M.DEIVASIGAMANI reported in 2009 (3) MLJ 1.

4. In these circumstances, the petitioner made a representation dated 16.03.2015 to the first respondent claiming interest on terminal benefits. Now the petitioner has filed the writ petition seeking direction to the first respondent to pass an order on his representation claiming interest on the belated payment of terminal benefits.

5. In view of the narrow prayer made, the first respondent is directed to dispose of the representation of the petitioner dated 16.03.2015 claiming interest on the belated payment of terminal benefits taking into account Rule 45-A of the Tamil Nadu Pension Rules and the judgment referred to above within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS II)

//True Copy//

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Sub Assistant Registrar

gpa

To

1. The Secretary to Government
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

+1cc to M/s.P.Rajendran, Advocate, S.R.No.31035
+1cc to the Government Pleader, S.R.No.30087

W.P.No.17448 of 2015

RSK(CO)
CA(29/06/2015)



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