

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.17457 of 2015 and
M.P.No.1 of 2015

V.R.Vijayakumar

...Petitioner

vs.

1.The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai.

2.The Internal Audit Officer,
Audit Branch / TANGEDCO
NPKKR Maligai, 1st Floor,
No.144, Anna Salai,
Chennai - 2.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the second respondent in Authorization Letter No.63841 C No.2021 AB F 15/F.AAO/PPO.No.89740 dated 10.04.2015 and quash the same and direct the respondents to refund a sum of Rs.7,16,130/- with 12% interest, deducted from the arrears of pension.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Ms.R.Varalakshmi

O R D E R

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

2.The petitioner worked in the Electricity Board as Foreman Grade I. His date of retirement was on 30.09.2011. While so, the petitioner was placed under suspension on 29.09.2011 and he was also not permitted to retire from service. A charge sheet was issued and an enquiry was conducted. Ultimately, the Enquiry Officer gave his findings on 23.04.2013, holding that the charges were not proved. While so, the first respondent on 04.03.2014, dropped all the charges and revoked the suspension and also permitted the petitioner to retire from service on 30.09.2011.

2.The first respondent forwarded the pension proposals to the second respondent. The second respondent by an order dated

10.04.2015 deducted a sum of Rs.7,16,130/- out of the arrears of pension of Rs.8,74,771/- towards the amount paid when he was retained in service. The petitioner has filed this writ petition seeking to quash the aforesaid order dated 10.04.2015.

3. According to the petitioner, there should not have been any deduction from the arrears of the pension towards the amount which was received by the petitioner during retention of his service. The petitioner has also asked for interest on the belated payment of terminal benefits.

4. When the matter is taken up for hearing, the learned counsel for the petitioner has fairly submitted that the petitioner has no objection for deducting the sum which was paid during the period of retention of his service from the arrears of pension amount payable to him. Hence, the respondents can deduct the amount that was paid during the retention period from the arrears of pension amount.

5. However, as rightly contended by the learned counsel for the petitioner, since, the charges were dropped, the petitioner is entitled to interest for the belated settlement of terminal benefits. Hence, I am inclined to issue a direction to the respondents to pay interest on the gratuity and other belated terminal benefits of the petitioner as per the Rules and in the absence of Rules, a further direction is issued to the respondents to pay interest to the petitioner for the belated payment of terminal benefits as per the decision of a 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.

6. In the result, the writ petition is disposed of with a direction to the second respondent to pay interest on the belated payment of terminal benefits of the petitioner, in the light of the above observations made, within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Superintending Engineer,
Tamil Nadu Electricity Board (TANGEDCO),
Thiruvannamalai Electricity Distribution Circle,
Thiruvannamalai.

2.The Internal Audit Officer,
Audit Branch / TANGEDCO
NPKKR Maligai, 1st Floor,
No.144, Anna Salai,
Chennai - 2.

+1 cc to Ms.R.Varalakshmi, Advocate,SR.29951

+1 cc to Mr.S.N.Ravichandran, Advocate,SR.30002.

Sr(co)
krd 25/6

W.P.No. 17457 of 2015



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