

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26036 of 2015

Sangu S.Sabapathi

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Petitioner

Vs

1.The Government of Tamil Nadu,
Rep.by its Secretary,
Highways Department,
Fort St.George, Chennai-600 009.

2.The Director General,
Highways Department,
Chepauk, Chennai-5.

..

Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents to pay the petitioner the interest for the retiral benefits from the next date to the date of due, to the date of actual payment, viz., Rs.3,22,031/- (Rupees three lakh twenty two thousand thirty one only) towards DCRG from 01.01.2004 to 10.07.2014, Rs.2,51,390/- (Rupees two lakhs fifty one thousands three hundred ninety only) towards commutation of pension from 01.11.2004 to 16.12.2014, Rs.7,55,011/- (Rupees seven lakhs fifty five thousands elevent only) towards arrears of pension from 01.11.2004 to 18.12.2014, Rs.21,531/- (Rupees twenty one thousand five hundred and thirty one only) towards special provident fund Gratuity received from 01.11.2004 to 31.10.2014, and Rs.2,22,972/- due to encashment of Earned and unearned leave from 01.11.2004 to 01.10.2014 at a rate, and within a time frame.

For Petitioner

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Mr.N.Subramaniyan

For Respondents

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Mr.R.Vijayakumar,
Addl. Govt. Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner, while working as Assistant Divisional Engineer, was placed under suspension and not permitted to retire on account of the disciplinary proceedings. However, as per G.O. (D) No.57, Highways and Minor Ports (HL1) Department dated 12.03.2013, all the charges framed against the petitioner have been dropped and vide G.O.(D) No.224 Highways and Minor Ports (HL1) dated 01.11.2013, the order placing the petitioner under suspension was revoked and he was permitted to retire. The Accountant General (A & E), Tamil Nadu, Chennai has also authorised computation of pension and conferment of DCRG benefits vide proceedings dated 21.07.2014. The grievance expressed by the petitioner is that on account of belated disbursement of DCRG, he is entitled to interest and in this regard, he has submitted representations dated 24.11.2014 and 25.11.2014 and the jurisdictional Chief Engineer has also made a positive recommendation on 18.12.2014 and inspite of it, he has not been paid with interest for the belated settlement of DCRG. Therefore, the petitioner subsequently submitted representations dated 19.12.2014, 09.01.2015, 17.03.2015 and 19.05.2015 and inspite of receipt of the same, no response is forthcoming and hence the petitioner came forward to file this writ petition.

3.Mr.N.Subramaniyan, learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of papers as well as the order dated 19.02.2015 made in W.P. No.732 of 2015, in which the respondents herein were arrayed as respondents and would submit that in similar circumstances, this Court has passed an order, directing the first respondent to pass appropriate orders for granting interest to the petitioner for belated payment at the rate of 9% per annum and hence similar orders may be passed.

4.The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5.This Court, in the light of the facts and circumstances, directs the first respondent to consider and dispose of the petitioner's representations dated 9.12.2014, 09.01.2015, 17.03.2015 and 19.05.2015 on merits and in accordance with law after taking note of the order dated 19.02.2015 made in W.P. No.732 of 2015 and pass orders within a period of ten weeks from the date of receipt of a

copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

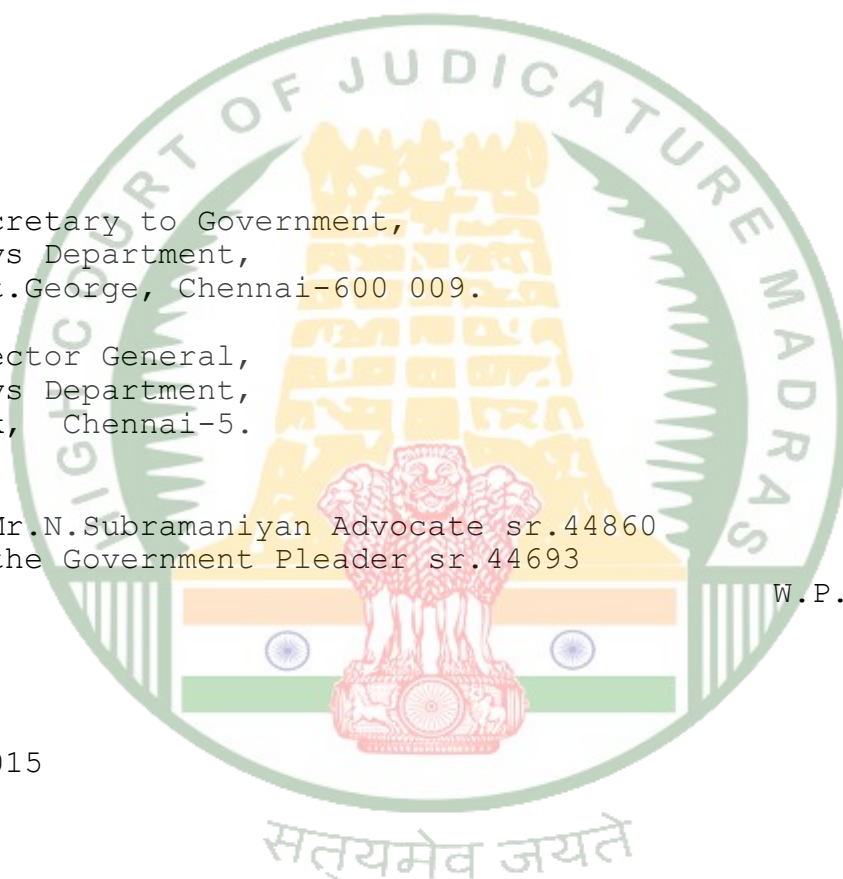
1.The Secretary to Government,
Highways Department,
Fort St.George, Chennai-600 009.

2.The Director General,
Highways Department,
Chepauk, Chennai-5.

+1 cc to Mr.N.Subramaniam Advocate sr.44860
+1 cc to the Government Pleader sr.44693

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