

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.33870/2015

K.Balakrishnan

..

Petitioner

Versus

1.The Secretary
State of Tamil Nadu
Finance Department,
Fort St George, Chennai 600 009.

2.The Accountant General
Accountant General Office
Teynampet, Chennai-18.

3.The Assistant Elementary Educational
Officer, Nemili, Arakkonam, Taluk
Vellore District.

... Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for a issuance of a writ of mandamus directing the respondents to sanction interest on the DCRG at 18% of interest on Rs.6270/- to the petitioner from 01.08.1984 as on the date of payment as per the proceedings of the 3rd respondent in its letter dated 05.09.2014, 19.06.2015 and 05.08.2015.

For Petitioner : Mr.A.R.Nixon

For Respondents: Mr.V.Subbiah, Spl.GP for R1&R3
Mr.V.Vijayshankar for R2

ORDER

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

2 The petitioner is a pensioner aged about 92 years and he retired from service as a Headmaster and he has repeatedly approached this Court by filing writ petitions as the grievance expressed by him remained unanswered. The 2nd respondent has passed an order on 08.05.2009, agreeing to pay DCRG amount of Rs.1051/- with interest and however, it was rejected by the 1st

respondent on 10.07.2009 and it is also been put to challenge. A direction has been given for refixing the scale of pay to be made from 01.10.1981. The petitioner has also filed contempt application in Cont.P.No.356/2011 to implement the order and on receipt of the notice, the 3rd respondent has sent a communication to the 2nd respondent to refix the pension, Family Pension, DCRG and ordinary scale of pay, since the petitioner has completed 30 years of service. The 2nd respondent, on receipt of the communication from the 3rd respondent, has paid a sum of Rs.6270/-, being the arrears of DCRG vide communication dated 19.06.2015.

3 Learned counsel for the petitioner would submit that the said amount should have been paid to the petitioner even during the year 1984 and it has been paid very belatedly and consequently, he is entitled to get interest at the rate of 18% per annum for the belated payment and prays for appropriate orders.

4 This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 3 and Mr.V.Vijayshankar, learned counsel who accepts notice on behalf of the 2nd respondent.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, permits the petitioner to submit a representation to the respondents 1 and 3 to pay interest for the belated settlement of DCRG within a period of two weeks from the date of receipt of a copy of this order and the respondents 1 and 3, on receipt of the same, are directed to consider the said representation on merits and in accordance with law and pass orders within a further period of four weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1.The Secretary
State of Tamil Nadu
Finance Department,
Fort St George, Chennai 600 009.

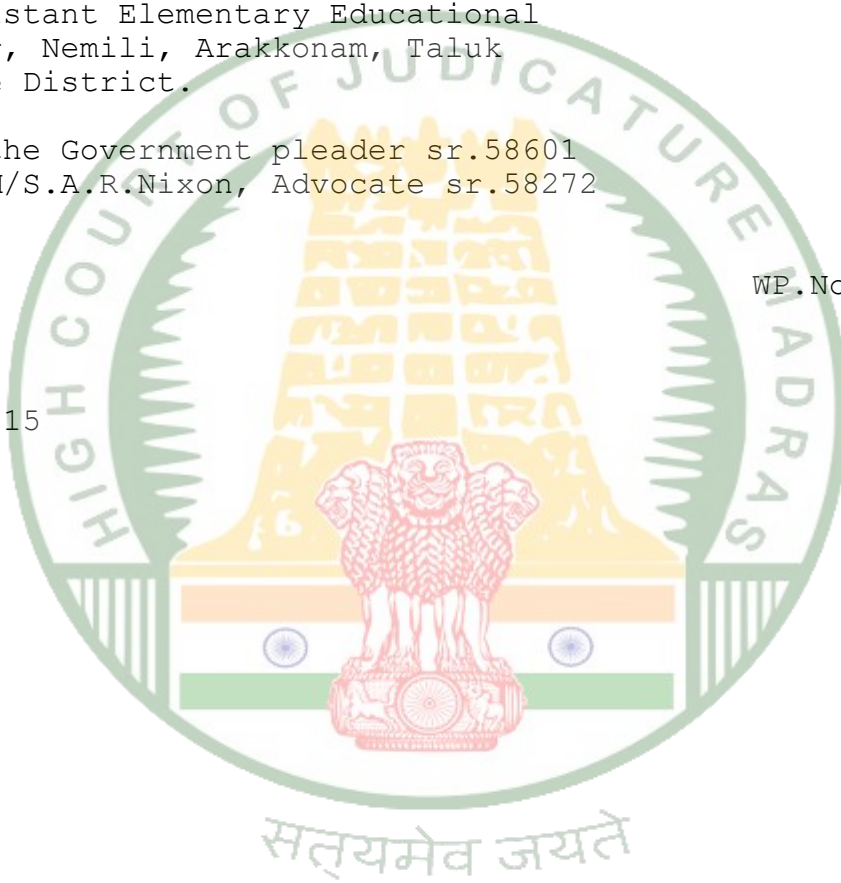
2.The Accountant General
Accountant General Office
Teynampet, Chennai-18.

3.The Assistant Elementary Educational
Officer, Nemili, Arakkonam, Taluk
Vellore District.

+1 cc to the Government pleader sr.58601
+1 cc to M/S.A.R.Nixon, Advocate sr.58272

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