

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.796 of 2015
and
M.P.Nos.1 and 2 of 2015

B.Bharathi

... Petitioner

Vs

1. The Chief Secretary,
(Representing Government of Puducherry)
Government of Puducherry, Chief Secretariat,
Puducherry-605 001.
2. The Secretary for Education,
Chief Secretariat (Education),
Government of Puducherry,
Puducherry-605 001.
3. The Director of Higher and Technical Education
cum Head of the Department,
Government of Puducherry,
PIPMATE Complex, Lawspet,
Puducherry 605 008.
4. The Director cum Head of Office,
Kanchi Mammunivar Center for Postgraduate Studies,
Lawspet, Puducherry-605 008.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing first, second, third and fourth respondents for immediate disbursal of all my retirement benefits such as pension, commutation of pension gratuity, General Provident Fund, Central Government Employees Insurance Scheme, etc. and the arrears accumulated with penal interest within two months and subsequently direct the First Respondent/Chief Secretary, Government of Puducherry to pay a compensation of not less than Rupees Five Crores to me/ the petitioner for subjecting me (a senior citizen and a retired employee) and my family members to humiliation, criminal

intimidation, financial loss and discrimination based on caste, status and religion, denial of all his rights as stated already.

For Petitioner : Party-in-person

For Respondents : Mr.Syed Mustafa,
Govt. Pleader [Puducherry]

O R D E R

The petitioner seeks a Writ of Mandamus directing the Union Territory of Puducherry to pay him the retirement benefits consequent to his retirement on 31.07.2014.

2. According to the petitioner, the respondents delayed the payment of statutory benefits to him and as such, he has come up with this writ petition.

3. During the currency of this writ petition, I have passed an order directing the third respondent to pay the pension and other statutory benefits to the petitioner. The Director of Higher and Technical Education appeared before this Court in person and produced the order passed by the Government sanctioning pension and other benefits to the petitioner. Since the petitioner has made a complaint that money has not been credited to his account, I have directed the third respondent to report compliance by today by making payment.

4. The Director of Higher and Technical Education filed a compliance report dated 30.03.2015 indicating that they have credited the entire amount in the account of the petitioner. Paragraph 4 of the compliance report reads thus:-

"4. I am to further respectfully submit that in total obedience to the specific directions of this Hon'ble court on 16.03.2015 to ensure settlement of the amounts into the account of the petitioner, the State Bank of India has been requested and the statement furnished by the Bank would show that the G.P.G. final withdrawal amount of Rs.2,26,102/- has been credited on 14.03.2015; Retirement Gratuity amount of Rs.10,00,000/-has been credited into his account on 17.03.2015. Commutation of pension amount of Rs.10,31,019/- has been credited into his account on 17.03.2015; Pension amounts have been credited into his account on 17.03.2015 onwards; E.L.encashment leave salary amount of Rs.1,35,546/- has been credited

into his account 20.03.2015 and UTGEGIS amount of Rs.1,15,525/- has been credited into his account on 26.03.2015. I therefore humbly pray that the Hon'ble Court may be pleased to dismiss the Petition and thus render justice."

5. The petitioner, who appeared in person contended that the respondents are liable to pay him interest on account of the delayed payment of statutory benefits. The petitioner has already filed a writ petition in W.P.No.861 of 2015 for issuance of a writ of mandamus, directing the respondents to pay the benefits along with statutory interest. The said writ petition was disposed of by this Court vide order dated 24.02.2015 directing the respondents to consider his case on merits.

6. The respondents had paid statutory benefits to the petitioner after considerable delay. The petitioner was correct in contending that that he should be paid statutory interest during the period of delay.

7. While considering the representation submitted by the petitioner, pursuant to the order dated 24.02.2015 in W.P.No.861 of 2015, the respondents should also consider the question of payment of interest to the petitioner at the rate of 9% during the period of delay.

8. In view of the payment of retirement benefits to the petitioner as stated in the compliance report, nothing survives for factual adjudication in this writ petition.

9. The writ petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki/gya

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To

1. The Chief Secretary,
(Representing Government of Puducherry)
Government of Puducherry, Chief Secretariat,
Puducherry-605 001
2. The Secretary for Education,
Chief Secretariat (Education),
Government of Puducherry,
Puducherry-605 001.
3. The Director of Higher and Technical Education
cum Head of the Department,
Government of Puducherry,
PIPMATE Complex, Lawspet,
Puducherry 605 008.
4. The Director cum Head of Office,
Kanchi Mammunivar Center for Postgraduate Studies,
Lawspet, Puducherry-605 008.

+1cc to Mr.B.Bharathi, Advocate, S.R.No.18765

+1cc to the Government Pleader(P), S.R.No.18497

W.P.No.796 of 2015

LRS (CO)
CA(23/04/2015)



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