

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.20680 of 2016

N.Ponnusamy

... Petitioner

Vs.

1. The Accountant General,
Teynampet,
Chennai - 600 018.

2. The Treasury Officer,
Coimbatore - 641 018.

3. The District Collector,
Coimbatore District,
Coimbatore - 641 018.

4. The Tahsildar,
Sulur Taluk,
Sulur, Coimbatore District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondents herein to sanction and pay all the petitioner's retirement benefits with compounding interest at 12% per annum within a stipulated period to be fixed by this Court.

For Petitioner : Mr.K.Govi Ganesan

For R3 and R4 : Mr.M.Dig Vijay Pandian,
Additional Government Pleader

ORDER

By consent of both parties, the writ petition is taken up for final disposal at the time of the admission itself.

2. Mr.M.Digvijay Pandian, learned Additional Government Pleader, takes notice on behalf of respondents 3 and 4.

3. The petitioner worked as Village Assistant and he was permitted to retire from service on 31.07.2013 by the 4th respondent. According to the petitioner, there was no enquiry

pending against him at the time of superannuation. Though the pension papers were forwarded to the 1st respondent and the pension was also sanctioned, the 4th respondent has not issued no due certificate, non pendency of any enquiry certificate and non payment of pension certificate, even after expiry of 22 months of his retirement, due to which, he was suffering a great hardship. Hence, the petitioner has filed the present writ petition seeking a direction to the respondents to sanction and pay all the retirement benefits with compounding interest at 12% per annum.

4. The learned counsel appearing for the petitioner submitted that the petitioner was allowed to retire from service on 31.07.2013, but, so far, the 4th respondent has not furnished the certificates, therefore, the petitioner was unable to get the retirement benefits. As there is no case or enquiry is pending against the petitioner herein, the 4th respondent has to consider the petitioner's claim and to issue the certificates as required for retirement benefits.

5. It is admitted that the petitioner retired from service on 31.07.2013. Though the petitioner retired from service, he was not given retirement benefits after his retirement. It is to be noted that the retirement benefit is a mandatory one and the same has to be given within a period of two months from the date of retirement. But, the said retirement benefit was not given to the petitioner. It is further to be noted that as per the Judgment of Supreme Court in the case of Dr. Uma Agarwal vs. State of U.P. Reported in 1999 (3) SCC 438, it has been held as follows:

".. The Government is obliged to follow the Rules mentioned in the earlier part of this order in letter and in spirit. Delay in settlement of retiral benefits is frustrating and must be avoided at all costs. Such delays are occurring even in regard to family pension for which too there is a prescribed procedure. This is indeed unfortunate. In cases where a retired government servant claims interest for delayed payment, the Court can certainly keep in mind the time-schedule prescribed in the Rules/Instructions apart from other relevant facts applicable to each case."

6. In view of the Judgment of the Supreme Court, this Court directs the respondents to pass appropriate orders with regard to the payment of retirement benefits to be given to the petitioner, within a period of two months from the date of receipt of a copy of this order, failing which, the petitioner is entitled to get interest at the rate of 12% p.a. from the date of retirement till the date of disbursement.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Accountant General,
Teynampet,
Chennai - 600 018.
2. The Treasury Officer,
Coimbatore - 641 018.
3. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
4. The Tahsildar,
Sulur Taluk, Sulur,
Coimbatore District.

+1cc to M/S.K.Govi Ganesan, Advocate Sr.33989
+1cc to the Government Pleader Sr.33663

सत्यमेव जयते

W.P.No.20680 of 2016

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srg 27/07/2016

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