

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35279 of 2016

V.Radhakrishnan

... Petitioner

vs.

- 1.The Principal Accountant General (A&E)
361, Anna Salai
Teynampet, Chennai-600 018
- 2.The Director of School Education
College Road, Nungambakkam
Chennai-600 006
- 3.The District Educational Officer
Cheyyar
Thiruvannamalai District
- 4.The Correspondent
Subramania Sastriyar Higher Secondary School
Arni, Thiruvannamalai District

... Respondents

Prayer: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondent to consider the petitioner representation dated 16.11.2015 submitted with request to disburse all terminal benefits like GPF, Gratuity, Special Provident Fund, Earned Leave and Leave on Private Affairs and other benefits payable to the petitioner with 12% interest per annum, in the light of judgment (2009) 5 MLJ 1361.

For Petitioner : Mr.P.Murali

For Respondents : Mr.V.Vijayshankar,
for R1
Mr.N.Srinivasan, AGP
for R2 and R3

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representation dated 16.11.2015 submitted with request to disburse all terminal benefits like GPF, Gratuity, Special Provident Fund, Earned Leave and Leave on Private Affairs and other benefits payable to him with 12% interest per annum, in the light of judgment reported in (2009) 5 MLJ 1361.

2. It is the case of the petitioner that he was appointed as Tamil Pandit on 1.3.2007 by the proceedings of the third respondent to the fourth respondent school. Subsequently, his service was regularized and he retired from service on 31.7.2014. While he was in service, from 1.3.2007 to 31.7.2015, a sum of Rs.70/- was deducted from his salary every month towards Special Provident Fund. Even though the petitioner is not eligible for pension, he is fully eligible for Gratuity and Special Provident Fund. Hence, after retirement, he made a representation dated 16.11.2015 to the respondents seeking his terminal benefits such as GPF, Gratuity, Special Provident Fund, Earned Leave and Leave on Private Affairs and other benefits payable to him. Since the same was not considered so far, the petitioner has come up with the present writ petition for the relief set out earlier.

3. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner relied upon the decision of this Court reported in (2009) 5 M.L.J. 1361 - D.P.Selvaraj v. Government of T.N., wherein, it has been held that when there has been a delay in the disbursement of the arrears of retiral benefits, the Government servant is entitled to receive the interest on the belated payment of retiral benefits, particularly, when the delay is not due to the employee.

4. I have also heard the learned counsel, who has taken notice on behalf of the first respondent and the learned Additional Government Pleader, who has taken notice on behalf of the respondents 2 and 3. In view of the limited order to be passed hereunder, this Court is of the view that notice is not necessary to the fourth respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the respondents 1 and 2 to consider the representation of the petitioner dated 16.11.2015 seeking disbursement of all terminal benefits like GPF, Gratuity, Special Provident Fund, Earned Leave and Leave on Private Affairs and other benefits payable to the petitioner with 12%

interest per annum and pass appropriate orders, on merits and in accordance with law and also in the light of the decision of this Court reported in (2009) 5 M.L.J. 1361 - D.P.Selvaraj v. Government of T.N., within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sbi

To

- 1.The Principal Accountant General (A&E)
361, Anna Salai
Teynampet, Chennai-600 018
 - 2.The Director of School Education
College Road, Nungambakkam
Chennai-600 006
 - 3.The District Educational Officer
Cheyyar
Thiruvannamalai District
- +1cc to M/S P.Murali, Advocate Sr.57349
+1cc to Government Pleader Sr.57515

W.P.No.35279 of 2016

SR(CO)
RVR 12/11/2016

सत्यमेव जयते

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