

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.37015 of 2016

K.Subramanian

... Petitioner

Vs.

1. The Managing Director,
TWAD Board, Chempauk,
Chennai-600 005.

2. The Secretary-cum-General Manager,
TWAD Board,
Head Office,
Chennai-600 005.

3. The Executive Engineer,
TWAD Board,
RWS Division,
Tanjore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 1st respondent to consider the representation dated 08.10.2016 in respect of grant of 12% interest for the delayed payment of all retirement benefit viz., Death-cum-Retirement Gratuity, Commuted Value of pension and arrears of pay Fixation and pension from 30.09.2010 till 06.08.2016 to the petitioner.

For Petitioner : Mr.G.Murugendran

For respondents : Mr.S.Thamizharasi

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ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, to direct the 1st respondent to consider the representation dated 08.10.2016 in respect of grant 12% interest for the delayed payment of all retirement benefit viz., Death-cum-Retirement Gratuity, Commuted Value of pension and arrears of pay Fixation and pension from 30.09.2010 till 06.08.2016 to the petitioner.

2.It is stated by the petitioner that he joined the respondent-Board as Work Inspector on 06.08.1971 and

thereafter, he was promoted as Junior Assistant on 07.02.1986. Then he was promoted as Assistant with effect from 12.02.2007. He had retired from service on 30.09.2010 on attaining the age of superannuation. The petitioner was awarded selection grade in the year 1996 in the post of Junior Assistant. It is also stated by the petitioner that Rule 4(3) of the Tamil Nadu Revised Pay Scale Rules 1989, was clarified by the Government Order in G.O.(Ms).No.168 (P & AR Department) dated 28.09.1999 and the same was adopted by the respondent-Board as per B.P.Ms.No.84, dated 10.04.2000 for awarding selection grade/special grade in the service in the service rendered by the employee in the lower post, where the scale of pay of lower post are identical or higher than the ordinary grade of higher post. But, the respondents revised the pay of the petitioner by proceedings dated 08.02.2011 and directed to recover the alleged excess amount paid to the petitioner. According to the petitioner, though he retired from service on 30.09.2010, the retirement benefits were not disbursed to him. There is a delay of nearly 6 years in disbursing the retiral benefits to the petitioner and as such, he is entitled to interest for the delayed payment. In this regard, the petitioner has made a representation dated 08.10.2016 seeking to grant 12% interest for the delayed payment of all retirement benefits viz., Death-cum-retirement gratuity, Commuted Value of pension and arrears of pay Fixation and pension from 30.09.2010 till 06.08.2016. Since the petitioner's representation was not considered by the respondents, he has come forward with the present writ petition.

3. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the materials available on record.

4. Considering the limited scope of the prayer sought for by the petitioner in this writ petition, without going into the merits of the claim made by the petitioner, this Court directs the 1st respondent to consider the representation of the petitioner dated 08.10.2016 and to pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt a copy of this order.

With the above direction, the writ petition is disposed of.

No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

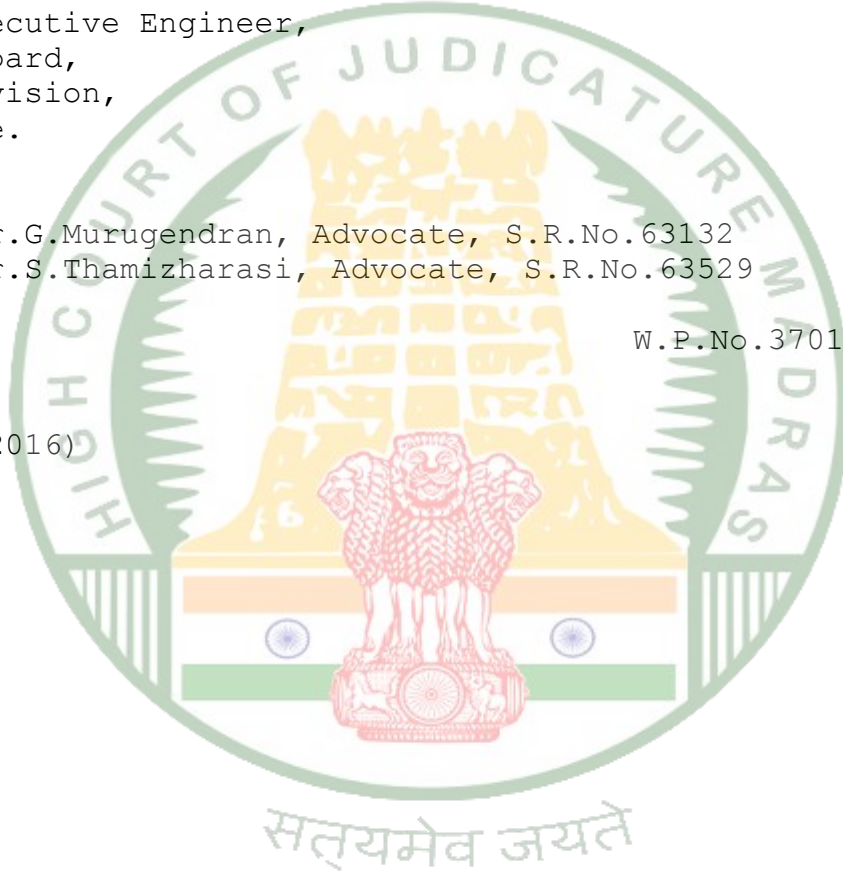
To

1. The Managing Director,
TWAD Board, Chepauk,
Chennai-600 005.
2. The Secretary-cum-General Manager,
TWAD Board,
Head Office,
Chennai-600 005.
3. The Executive Engineer,
TWAD Board,
RWS Division,
Tanjore.

+1cc to Mr.G.Murugendran, Advocate, S.R.No.63132
+1cc to Mr.S.Thamizharasi, Advocate, S.R.No.63529

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VD(CO)
CA(11/11/2016)



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