

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38859 of 2016

P.Irissane

... Petitioner

vs.

1. The Union of India rep. by the
Secretary to Government (LAD),
Government of Union Territory of
Puducherry, Puducherry.
2. The Director (LAD),
Local Administration Department,
Puducherry.
3. The Commissioner,
Puducherry Municipality,
Pondicherry.
4. The Assistant Examiner,
Local Fund Accounts,
Puducherry.

.... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to pay interest to the petitioner on the delayed payment of pension benefits at the rate of 12% per annum from the date, the payments became due till the date of actual payment.

For Petitioner : Mr.G.Ilanthiriyar
for M/s.Sai Bharath and Ilan

For Respondents : Mrs.N.Reena Iswariya,
Addl. Govt. Pleader (P)

ORDER

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

2. The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to pay interest to the

petitioner on the delayed payment of pension benefits at the rate of 12% per annum from the date, the payments became due till the date of actual payment.

3. According to the petitioner, he joined in the respondent department in the year 1981 as an Assistant Karnam and time to time, he was granted promotion to various posts. Finally, he was promoted as Assistant Manager in the year 1996. After completion of 34 years of unblemished service, on attainment of superannuation, he was permitted to retire from service on 30.09.2014 and accordingly, he was relieved. Since his retiral benefits have not been paid, the petitioner sent several representations to the respondents. After a period of 6 months, an order dated 18.03.2015 for payment of pensionary benefits was issued by the 4th respondent. But in that order no interest for the unlawful delay in paying the retiral benefits which he is entitled to, was sanctioned. Immediately, the petitioner sent a representation dated 25.04.2016 to the Lt. Governor as well as to the higher authorities. But, till date, there was no response. Hence, the present Writ Petition.

4. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader (Puducherry) who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the matter, this Court is not inclined to issue a positive direction as sought for by the petitioner. However, this Court directs the petitioner to send a copy of the representation dated 25.04.2016 along with a copy of this Order to the respondents within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondents are directed to consider and pass appropriate orders on the same, within a period of four weeks thereafter.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

tsi

To

1. The Secretary to Government (LAD),
Union of India,
Government of Union Territory of
Puducherry, Puducherry.
2. The Director (LAD),
Local Administration Department,
Puducherry.
3. The Commissioner,
Puducherry Municipality,
Pondicherry.
4. The Assistant Examiner,
Local Fund Accounts,
Puducherry.

1 cc to Mrs. Sai Bharath and ilan, Advocate, Sr. 64269
1 cc to Spl.Government Pleader, Sr. 63886

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LRS (CO)
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