

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.951/2017

R.Chitra

..

Petitioner

Vs

1.The Secretary to Government,
Rural Development and
Panchayat Raj (E6) Department,
Fort St.George,
Chennai-600 009.

2.The Director of Rural Development,
Panagal Building,
Saidapet,
Chennai-600 015.

3.The District Collector,
Dindugal District,
Dindugul-624 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to award interest on the belated disbursement of Retiral benefits of the petitioner namely (i) Commuted Value of pension, (ii) arrears of pension, (iii) Encashment of earned leave, (iv) Sixth pay commission arrears, (v) Special Provident Fund etc. from the date of its due till date of its disbursement at the rate of 18% simple interest or 12% compound interest as contemplated in G.O.Ms.No.122, finance (Pension) Department dated 20.02.1995 and as ordered in identical cases and disburse all the accrued arrears thereon within a short date that may be fixed by this Hon'ble Court.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mr.K.Dhananjayan, SPL.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner is the daughter of Mr.S.Ragavan. He was initially appointed as Junior Assistant and got his promotion to the posts of Assistant, Extension Officer, Deputy Block Development Officer and finally to the post of Additional Block Development Officer and was posted in Attur Panchayat Union in Dindigul District and while he was due to retire on 31.01.1994, he was not allowed to retire from service and was kept in suspension at the verge of his retirement and was also not permitted to retire from services and those orders were put to challenge in OA.No.632/1994 before the Tamil Nadu Administrative Tribunal and vide order dated 05.06.1997, the application was allowed and both the Government Orders were quashed and as a consequence of the same, the petitioner's father was deemed to have been retired from service on reaching the age of superannuation on 31.01.1994. It is further averred that in spite of the said order, the benefit of the same, has not been conferred upon her father and therefore, he was constrained to file WP [MD] No.2776/2008 and prayed for disbursement of all the retiral benefits. It was allowed on 26.03.2008 with a direction, directing the 1st respondent therein, to consider his claim and pass orders on merits and in accordance with law, within the stipulated time. The father of the petitioner died on 28.05.2008 due to heart attack, leaving behind his legal heirs and the petitioner, being the second daughter, not got married due to family commitment and she is taking care of the entire family and there was a settlement among the brothers and sisters wherein all the legal heirs had authorised the petitioner to get the retiral benefits. The Government, as per G.O.[D] No.577, Rural Development and Panchayat Raj [E2] Department dated 25.07.2008, after the petitioner's father attained the age of superannuation, all further action on the charges framed against the petitioner's father, were dropped and he was allowed to retire from services with effect from 31.01.1994 and thereafter, following amounts were disbursed:-

Sl.No	Date of Due	Nature of Benefit	Date of Receipt	Amount in Rs.
1	01.02.1994	Commuted Value of Pension	07.09.2009	54,476/-
2	01.02.1994	Arrears of pension from 31.01.1994 to 28.05.2008 at the rate of Rs.1303/- per month	15.09.2009	3,45,924/-
3	01.02.1994	Encashment of Earned Leave	04.12.2008	30,351/-
4	01.01.1998	Sixth Pay Commission Arrears	18.11.2009	23,282/-
5	01.02.1994	Special Provident Fund	04.12.2008	8,527/-

3 The petitioner also claimed interest on the belated settlement of the retiral benefits and interest in respect of Death-cum-Retirement Gratuity alone has been given and not in respect of the other retiral benefits. In this regard, the petitioner had submitted a representation dated 23.07.2015 followed by a reminder dated 07.08.2016 to the 1st respondent and since no orders have been passed, the petitioner came forward to file the present writ petition.

4 Mr.K.Rajkumar, learned counsel for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that in similar facts and circumstances, this Court, vide order dated 30.09.2016 made in WP.No.34671/2016 - M.Ramaswamy Vs. The Managing Director, Tamil Nadu Housing Board, Chennai-600 035, had ordered for payment of interest in respect of belated settlement of the retiral benefits and therefore, prays for appropriate orders.

5 This Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents and perused the materials placed before this Court.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances, permits the petitioner to submit one more representation to the 1st respondent along with a copy of this order as well as copy of the earlier representation, within a period of two weeks from the date of receipt of a copy of this order and the 1st respondent, upon receipt of the same, shall consider and dispose of the said representation, on merits and in accordance with law within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

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2.The Director of Rural Development,
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3.The District Collector,
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Dindugul-624 001.

+1cc to M/s.K.Rajkumar, Advocate sr.2936

+1cc to Government Pleader sr.3551

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ss(7/2/2017)

W.P.No.951/2017



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