

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14395 of 2017

G.Vijaya Kumar .. Petitioner

-vs-

1. The Secretary to Government
Health and Family Welfare (E2) Department
Fort St. George, Chennai 600 009
2. Director of Drugs Control
Tamil Nadu, Chennai 600 006
3. Principal Accountant General, A & E
Tamil Nadu, Chennai 600 018 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay interest at the rate of 10% per annum from the date of his retirement on 30.06.2005 AN till the actual payment of the following retirement benefits (i) Arrears of pension of Rs.11,26,145/- on 15.07.2016, (ii) Encashment of earned leave of Rs.2,58,327/- on 18.05.2016, (iii) Special Provident Fund of Rs.22134/- on 22.06.2016, (iv) Commuted Pension of Rs.2,71,626/- on 12.07.2016.

For Petitioner :: Mr.N.S.N.Krishnakumar

For Respondents:: Mr.M.Dig Vijaya Pandian
Additional Government Pleader
for R1 & 2

ORDER

The petitioner has sought for issuance of a writ of mandamus directing the first respondent to pay interest at the rate of 10% per annum from the date of his retirement on 30.06.2005 AN till the actual payment of the following retirement benefits (i) Arrears of pension of Rs.11,26,145/- on 15.07.2016, (ii) Encashment of earned leave of Rs.2,58,327/- on 18.05.2016, (iii) Special Provident Fund of Rs.22134/- on 22.06.2016, (iv) Commuted Pension of Rs.2,71,626/- on 12.07.2016.

2. The petitioner, while serving as Deputy Director of Drugs Control, was entrusted with full additional charge of Director of Drugs Control on 29.4.2005 and on reaching the age of superannuation on 30.6.2005, faced departmental proceedings. It is stated that although no criminal case was registered or pending, he was placed under suspension in view of the unknown criminal case. Subsequently, the Special Court for Prevention of Corruption Act, Chennai in C.C.No.72 of 2011, by judgment dated 30.9.2013, acquitted the petitioner. Thereafter, the departmental proceedings also came to an end and the first respondent, accepting the findings of the enquiry officer, dropped all the charges on 28.3.2016 and also permitted the petitioner to retire from service with effect from 30.6.2005 by issuing G.O.(D) No.476 Health and Family Welfare (D2) Department dated 28.3.2016. On his representation for disbursement of his retiral benefits, the second respondent also sanctioned the amount towards earned leave and unearned leave on private affairs. Again an authorisation order was also issued in PPO No.R2019225 by the third respondent sanctioning pension, DCRG and commuted pension on 30.5.2016. Finally the second respondent also sanctioned the Special Family Provident Fund to the petitioner on 3.6.2016. Since the retirement benefits were disbursed belatedly, the petitioner has given a representation on 12.8.2016 seeking interest for such belated payment. The first respondent, considering the said representation, sanctioned interest in G.O.Ms.No.756 dated 31.3.2017 at the rate of 8% per annum for the belated payment of D.C.R.G., from 1.10.2005 to 14.6.2016. Since no interest was paid towards the other retiral benefits, the petitioner has come to this Court once again for the aforementioned relief.

3. Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader takes notice on behalf of the respondents 1 & 2.

4. In view thereof, it is open to the petitioner to make one more representation to the first respondent for payment of interest on the belated payment of the other retiral benefits, if any, within a period of two weeks from the date of receipt of a copy of this order. If any such representation is made, the first respondent shall consider the same on merits and appropriate orders shall be passed within a period of six weeks thereafter. With this observation, the writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

ss

To

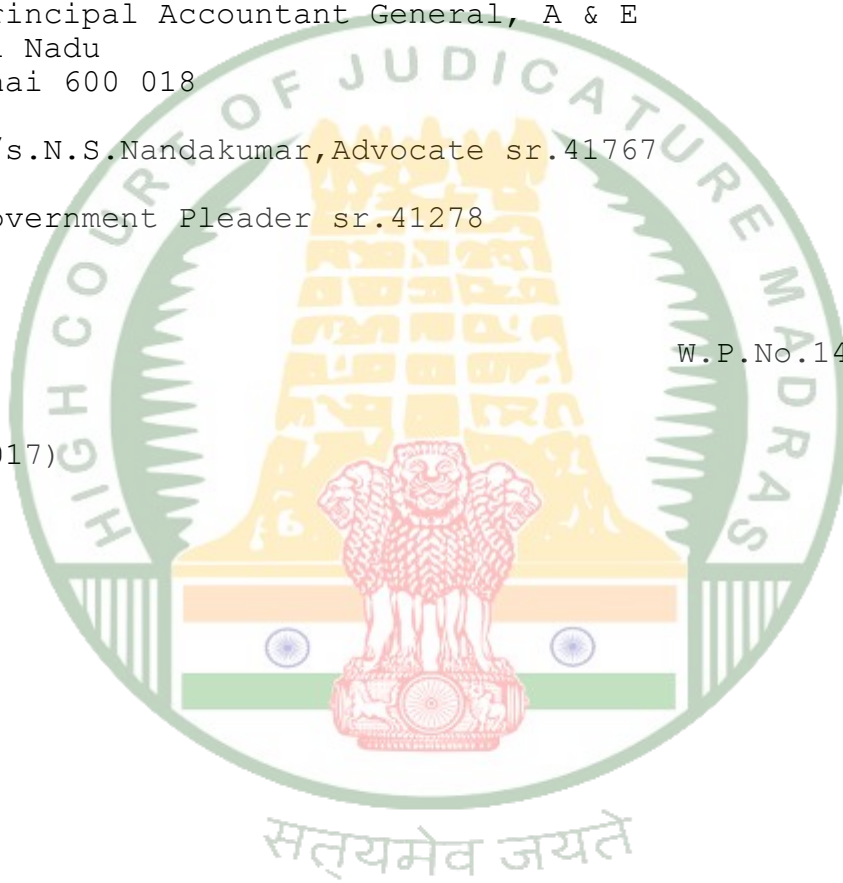
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2. The Director of Drugs Control
Tamil Nadu
Chennai 600 006
3. The Principal Accountant General, A & E
Tamil Nadu
Chennai 600 018

+1cc to M/s.N.S.Nandakumar, Advocate sr.41767

+1cc to Government Pleader sr.41278

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nr(co)
ss(22/6/2017)



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