

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26128 of 2017

G.Loganathan

.. Petitioner

-vs-

1. Government of Tamil Nadu
represented by its Secretary
Environment and Forest Department
Fort St.George
Chennai 600 009
2. The Principal Chief Conservator of Forest
Office at Panagal Maaligai
Saidapet
Chennai 600 015
3. The District Forest Officer
Kancheepuram
Kancheepuram District
4. The Accountant General of Tamil Nadu
Office at DMS Compound
Teynampet
Chennai 600 018

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay interest at the rate of 8% per annum for the belated settlement of retirement benefits namely (i) Special Provident Fund of Rs.25,483/- (ii) DCRG of Rs.2,67,615/- (iii) Commuted Value of Pension of Rs.2,33,443/- (iv) Earned Leave and Unearned Leave salary of Rs.2,09,913/- and GPF of Rs.1,20,988/- from the date of retirement of the petitioner till the respective date of disbursement including Rs.50,000/- as has been ordered by the Tribunal for Disciplinary Proceedings in the order dated 30.05.2013 as compensation for levelling false allegation against the petitioner by considering his representation dated 22.02.2017 in the light of the decision rendered by this Hon'ble Court in (Government of Tamil Nadu rep. By its Secretary, Revenue Department, Fort St.George, Chennai and another vs. Deivasigamani) 2009 (3) MLJ Page No.1 within a time to be specified by this Hon'ble Court.

For Petitioner ::Mr.S.Mani

For Respondents R1to3::Mr.E.Manoharan

Additional Government Pleader (F)

ORDER

The petitioner was subjected to face departmental proceedings, however, by proceedings bearing No.T2/28706/2010 dated 9.3.2015 passed by the Principal Chief Conservator of Forests (Head of Forest Force), Chennai, the charges were dropped. Subsequently, by another proceeding dated 27.1.2016, the District Forest Officer, Chengalpattu allowed him to retire from service stating clearly therein that he is also entitled to receive the pension and retiral benefits. Under this background, the claim of the petitioner is that when the Principal Chief Conservator of Forests in his proceeding dated 9.3.2015 has dropped the charges, he should have been disbursed with all the retirement benefits including pension immediately. However, the respondents came forward to settle the retiral benefits only on 9.9.2016, giving cause of action for the petitioner to claim interest on the belated payment of retiral benefits, as he reached the age of superannuation on 30.9.2008. When the Principal Chief Conservator of Forests, Chennai passed orders dropping the entire proceedings on 9.3.2015, the respondents have belatedly settled the retiral benefits to the petitioner only on 9.9.2016. Therefore, for the belated period, the petitioner is entitled to receive the interest, in the light of the Division Bench judgment of this Court in the case of Government of Tamil Nadu represented by its Secretary, Revenue Department, Fort St.George, Chennai and another vs. Deivasigamani), 2009 (3) MLJ 1. In this regard, he has also given a representation on 25.3.2015 followed by another representation on 22.2.2017 and the said representations have not been considered.

2. Putting on notice the learned Additional Government Pleader appearing on behalf of the respondents, this Court hereby directs the respondents to consider and dispose of the pending representations of the petitioner on merit, in the light of the proceedings passed by the Principal Chief Conservator of Forests dated 9.3.2015 and the proceedings of the District Forest Officer, Chengalpattu dated 27.1.2016 as well the aforementioned Division Bench judgment of this Court, within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

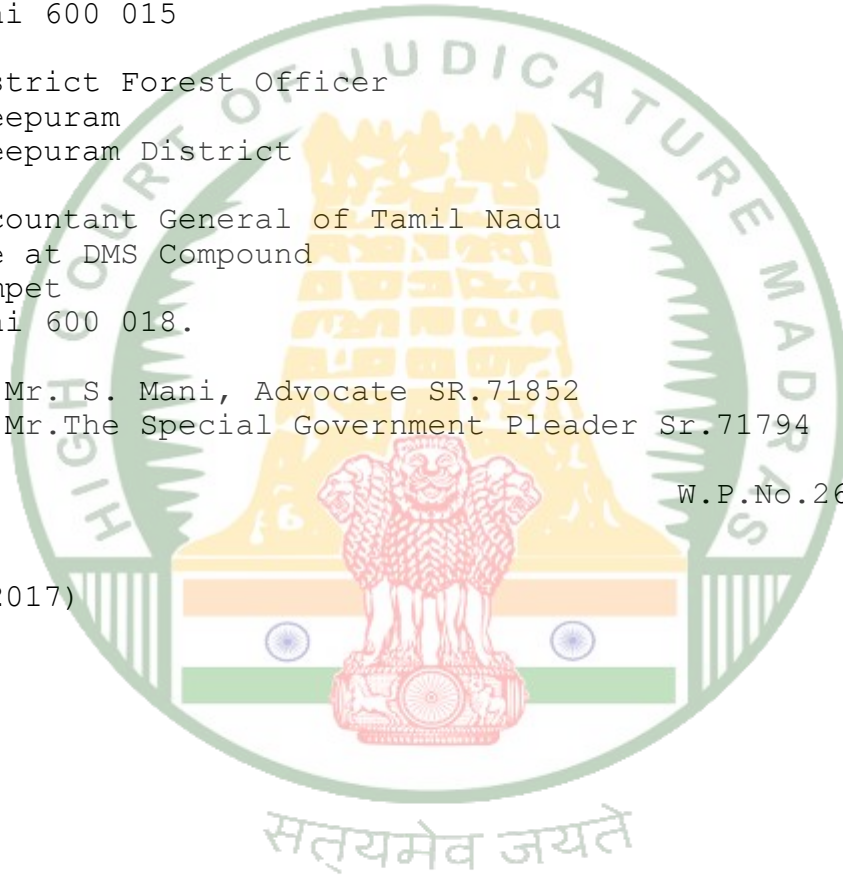
SS

To

1. The Secretary to Government
Environment and Forest Department
Fort St.George
Chennai 600 009
 2. The Principal Chief Conservator of Forest
Office at Panagal Maaligai
Saidapet
Chennai 600 015
 3. The District Forest Officer
Kancheepuram
Kancheepuram District
 4. The Accountant General of Tamil Nadu
Office at DMS Compound
Teynampet
Chennai 600 018.
- + 1 cc to Mr.S. Mani, Advocate SR.71852
+ 1 cc to Mr.The Special Government Pleader Sr.71794

W.P.No.26128 of 2017

BR(CO)
EU(08/11/2017)



WEB COPY