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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.09.2017
CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.A. (MD) No. 1254 of 2017
against
W.P. (MD) No. 12273 of 2017
and
C.M.P. (MD) No. 8802 of 2017

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai-9.
 2. The Director of Elementary Education,
D.P.I. Campus, College Road,
Nungambakkam,
Chennai- 600 006.
 3. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
 4. The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District. ... Appellants/Respondents 1 to 4
- Vs.
- S. Balasubramanian ... Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 20.07.2017 passed in W.P. (MD) No. 12273 of 2017 on the file of this Court.

Prayer in WP (MD). 12273/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari mandamus calling for the records pertaining to the impugned order passed by the 4th respondent in Na. Ka. No. 2840/A1/2012 dated 16.02.2017 quash the same and direct the respondents to disburse the gratuity, provident fund, salary arrears and other terminal benefits within a time frame fixed by this Honble Court.



For Appellants

: Mr.T.S.Mohammed Mohideen
Additional Government Pleader

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JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

This writ appeal is directed against the order dated 20.07.2017 made in W.P.(MD)No.12273 of 2017 filed by the respondent herein. The respondent herein retired on 31.05.2012 from service . But on account of non issuance of no objection certificate/raising of objection, there was delay in disbursing pensionary and other retiral benefits payable to the respondent. Therefore, the learned Judge directed grant of interest as per Rule 45-A of the Tamil Nadu Pension Rules, while disbursing retiral benefits. Aggrieved by the direction awarding interest in favour of the respondent, this writ appeal has been filed.

2.We see no merit in this writ appeal. Admittedly, the respondent herein was allowed to retire. Therefore, there cannot be any delay in disbursing the benefits payable to him. If there is any delay in making the payment, it must carry interest also. The learned Judge has merely invoked the relevant statutory provision. We see no reason to take a different view.

3.This writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

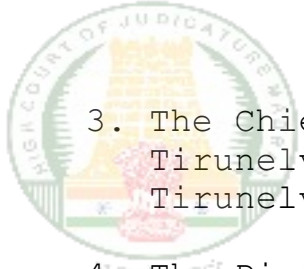
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St.George,
Chennai-9.
2. The Director of Elementary Education,
D.P.I. Campus, College Road,
Nungambakkam,
Chennai- 600 006.



3. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

4. The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.

+1cc to The Special Government Pleader in SR.No.81109

rmi

AE/SV MMS/SAR2/07.11.2017/3P/6C

Judgment made in
W.A. (MD) No.1254 of 2017
against
W.P. (MD) No.12273 of 2017
and
C.M.P. (MD) No.8802 of 2017
22.09.2017