



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

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W.P. (MD) No. 3279 of 2017

A. Ramanathan

... Petitioner

Vs.

1. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.
2. The District Collector,
Madurai District,
Madurai.
3. The Revenue Divisional Officer,
Madurai Division,
Madurai.

... Respondents

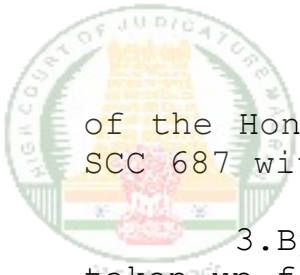
PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent i.e., the Secretary to Government, Revenue Department, Chennai to pass appropriate orders on the petitioner's representation dated 15.12.2016 regarding sanction of compounding interest for the belated payment of DCRG under Rule 45A of the Pension Rules from 01.08.2004 to 08.10.2013 and regarding pension and commutation of pension as per the dictum of the Hon'ble Supreme Court in the case law reported in 2001 (9) SCC 687 within a specified time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr. S. Visvalingam

For Respondents : Mr. S. Satheeshkumar
Additional Government Pleader**O R D E R**

Mr. S. Satheeshkumar, the learned Additional Government Pleader takes notice for respondents.

2. The prayer in the writ petition is for a Writ of Mandamus, directing the first respondent i.e., the Secretary to Government, Revenue Department, Chennai to pass appropriate orders on the petitioner's representation dated 15.12.2016, regarding sanction of compounding interest for the belated payment of DCRG under Rule 45A of the Pension Rules from 01.08.2004 to 08.10.2013 and regarding pension and commutation of pension as per the dictum



of the Hon'ble Supreme Court in the case law reported in 2001 (9) SCC 687 within a specified time frame.

3. By consent of both sides this writ petition itself is taken up for final disposal.

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4. The learned counsel appearing for the petitioner would submit that though the petitioner had retired in the year 2004 on superannuation, he was not permitted to retire on the ground of pending charges. But, subsequently the said charges were dropped by the Government and ultimately he retired from service and his retirement benefits and pensionary benefits were belatedly disbursed to the petitioner only in the year 2013, which is otherwise should have been disbursed in the year 2004. Therefore, he would be entitled for compounding interest for the belated payment of DCRG under Rule 45-A of the Pension Rules. Therefore, in order to get the interest from the Government, the petitioner has given a representation dated 15.12.2016, to the respondents herein. Therefore, the learned counsel appearing for the petitioner would submit that if the said representation is directed to be disposed of by the respondents, especially the first respondent within the time stipulated by this Court, the petitioner would be satisfied.

5. Heard the learned Additional Government Pleader appearing for the respondents in this regard.

6. In view of the said submissions made by the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents, this Writ Petition is disposed of with a direction, directing the first respondent to consider the representation of the petitioner dated 15.12.2016, regarding his claim to get interest for the alleged belated payment of the Death cum Retirement Gratuity and other benefits, which accrued to the petitioner was paid belatedly only in the year 2013, and pass orders on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

<https://hccservicecourts.org/>
The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.



2.The District Collector,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
Madurai Division,
Madurai.

+1 CC to M/s.S.VISVALINGAM, Advocate, SR No. 10394

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 10919

SJ

PSM/RSK-SKN/SAR3/07.03.2017/3P/6C

W.P. (MD) No.3279 of 2017
24.02.2017