



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.4280 of 2017

I.Joshph Durairaj,

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department (Elementary Education),
Secretariat,
Chennai.

2.The Director,
O/o.the Directorate of School Education Department,
DPI Compound,
College Road,
Chennai-6

3.The District Elementary Educational Officer,
O/o. The District Elementary Educational Officer,
Tuticorin,
Tuticorin District.

4.The Assistant Elementary Educational Officer,
O/o. The Assistant Elementary Educational Office,
Sattankulam,
Tuticorin District.

..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second and third respondents to forward the proposal to the first respondent and consequentially to direct the first respondent to pay interest to a sum of Rs.1,97,330/- towards delayed payment of gratuity from 01.11.2002 to 31.08.2011 in the light of the calculation sheet submitted by the fourth respondent in his proceedings dated 20.04.2016 in the light of G.O. issued to similarly placed person in G.O.(2D).No.10 School Education Department dated 06.03.2012 by considering the petitioner's representation dated 13.02.2017 within the period that may be fixed by this Court.



For Petitioner

: Mr.C.Venkatesh Kumar

For Respondents

: Mr.J.Gunaseela Muthaiah
Government Advocate.

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ORDER

This writ petition has been filed for issuance of a writ of Mandamus, directing the respondents 2 & 3, to forward the proposal to the first respondent and consequently, direct the first respondent to pay interest to a sum of Rs.1,97,330/- (Rupees One Lakh Ninety Seven Thousand and Three Hundred and Thirty only) towards the delayed payment of gratuity.

2. It is not disputed that the pension and other benefits are due to the petitioner upon the retirement on 01.11.2002. It is also admitted that the retirement benefits was disbursed to the petitioner only on 03.08.2011, after a delay of nine years. Though the respondents 2 and 3 admit that the petitioner is entitled to interest, by communication dated 14.07.2016, the third respondent has expressed her inability as it is only the Government, which has to take a decision, regarding payment of interest to the delayed payment of pensionary benefits.

3. Considering the scope of the writ petition and the stand taken by the respondents 2 and 3, this Court directs the first respondent to take a decision on the entitlement of the petitioner, to claim interest for the delayed payment of pension, within a period of eight weeks from date of receipt of a copy of this order and upon the decision being taken by first respondent, the respondents 2 and 3 are directed to disburse the amount arrived at, in terms of the order of the first respondent, within a period of three weeks there after. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary,
School Education Department (Elementary Education),
Secretariat,
Chennai.

2.The Director,
O/o. The Directorate of School Education Department,
DPI Compound,
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3.The District Elementary Educational Officer,
O/o. The District Elementary Educational Officer,
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Tuticorin District.

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4.The Assistant Elementary Educational Officer,
O/o. The Assistant Elementary Educational Office,
Sattankulam,
Tuticorin District.

+1 CC TO SPECIAL GOVERNMENT PLEADER, SR NO.14698

+1 CC TP AJMAL ASSOCIATES SR NO.14836

trp

MAS/SV-MMS:23.03.2017:2P-7C

W.P. (MD) .No.4280 of 2017
14.03.2017