



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 05.01.2017

CORAM :

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN**

W.P. (MD) No.23974 of 2016

and

W.M.P (MD) No.17291 of 2016

Dr.Mohanraj Ebenzer

..... Petitioner

vs.

1.The Director of Collegiate Education  
College Road  
Chennai.

2.The Joint Director of Collegiate Education,  
Tirunelveli Regional  
Tirunelveli

3.The Accountant General (A&E)  
Office of the Accountant General,  
Teynampet,  
Chennai.

4.The Secretary,  
St.Johns College,  
Palayamkottai,  
Tirunelveli

5.The Principal  
St.Johns College,  
Palayamkottai  
Tirunelveli District.

..... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to pay the interest 12 percent per annum for the belated payment of gratuity, computation of pension, earned leave, unearned leave and salary arrears from the date of my retirement i.e.31.10.2014 till the date of payment.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.K.P.krishnadass for R1 & R2  
Government Advocate  
Mr.P.Gunasekaran for R3

**O R D E R**

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents to pay 12% interest per annum for the belated payment of gratuity, computation of pension, earned leave, unearned leave and salary arrears from the date of the petitioner's retirement i.e. 31.10.2014 to till the date of payment.

2. The petitioner was employed as Associate Professor in the 4<sup>th</sup> respondent college and retired on 31.10.2014. Earlier, she approached this Court by way of W.P(MD)No.18203/2015 claiming payment of retirement benefits including payment of earned and unearned leave and this Court passed an order dated 08.10.2015, directing the respondents to complete the process of payment within three weeks. It is submitted that after the issuance of contempt notice, retirement benefits have been extended to the petitioner. According to her, there was inordinate delay in issuing pension payment order. Even though the petitioner retired on 31.10.2014, the earned leave, unearned leave and salary arrears have been paid only on 07.10.2015.

3. The petitioner has further stated that she received the communication from the 2<sup>nd</sup> respondent/Joint Director of Collegiate Education, Tirunelveli, wherein, he called for the details with regard to retirement benefits and the respondents 4 and 5 who are the authorities, have not furnished the suitable information to the 2<sup>nd</sup> respondent. The pleadings are clear that it is the delay on the part of the respondents 4 and 5 in payment of terminal benefits. However, the respondents 1 to 3 have immediately taken steps after receipt of the particulars with regard to payment of gratuity, computation of pension, earned leave, unearned leave, salary arrears etc.

4. Now, the grievance of the petitioner is that she is entitled to interest at 12% per annum for the belated payment. As there is a delay on the part of the respondents 4 and 5 and that though notice has been served on the respondents 4 and 5 and their names are also printed in the cause list, none appeared for them, this Court directs the respondents 4 and 5 to pay interest on the terminal benefits received by the petitioner at 10% per annum from the date the amount became due to till the actual date of disbursement. The payment of aforesaid interest shall be paid by the respondents 4 and 5, within a period of two months from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar



To

1.The Director of Collegiate Education  
College Road  
Chennai.

2.The Joint Director of Collegiate Education,  
Tirunelveli Regional  
Tirunelveli

3.The Accountant General (A&E)  
Office of the Accountant General,  
Teynampet,  
Chennai.

+1cc to Veera Associates in SR No.1082  
+1cc to Mr.P.Gunasekaran, Advocate in SR No.1104  
+1cc to the Spl.Govt.Pleader in SR No.1685

W.P. (MD) No.23974 of 2016  
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