IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.9402 of 2014

D.Mohan .. Petitioner

Vs

1.The Secretary,
Agriculture Production and Commissioner,
Agriculture Department,
Fort St. George,
Chennai – 9.

2. The Commissioner of Agriculture,
Chepauk, Chennai – 5. .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to pass orders on the representation of the Petitioner dated 24.02.2014 claiming interest at the rate of 12% from the date of superannuation i.e., on 31.05.2010 to till date of actual disbursement within short date.

For Petitioner : Mr.G.Sridevi
For Respondents : Mrs.R.Janaki,
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner, so also, Mrs.R.Janaki, learned Additional Government Pleader appearing for the

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respondents.

2 As it appears that the petitioner has filed this writ petition challenging such inaction on the part of the 1st respondent in disposing of his representation to disburse the interest at the rate of 12% on account of delay in payment of pension with a prayer to issue a writ of Mandamus directing them to consider his representation in accordance with law, within a stipulated period of time.

3. During the course of hearing, it is submitted by the learned counsel appearing for the petitioner that the petitioner has filed the representation dated 24.01.2014 in this regard, which is now pending with the 1st respondent and no action has been taken even though, the petitioner is entitled to interest at the applicable rate for delay in payment of pension as such, a direction be given to consider such representation within the time frame.

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4. But the same has been controverted by the learned counsel appearing for the respondents, who would submit that on receipt of the pension proposal from the petitioner, the same has been forwarded to the Accountant General for necessary action and hence, there is no delay on the part of the 1st respondent, the question of payment of interest as prayed for by the petitioner is without substance and hence, prays for dismissal of this

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writ petition.

5. After hearing the learned counsel appearing for the parties and going through the materials on record and considering the facts and situations, this Court dispose of this writ petition with a direction to the 1st respondent/ The Secretary, Agriculture Production and Commissioner to consider the representation submitted by the petitioner dated 24.02.2014, in the light of the materials available on record, so also, the legalities of this claim for interest on account of delay in payment of pension within a period of two months from the date of receipt of copy of this order. However, it is made clear that this Court has expressed no opinion in this writ petition with regard to merit of such representation.

6. With the aforesaid direction, this writ petition stands disposed of. No costs.

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SATRUGHANA PUJAHARI.,J
rka

To
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Agriculture Production and Commissioner,
Agriculture Department,
Fort St. George,
Chennai – 9.

2. The Commissioner of Agriculture,
Chepauk, Chennai – 5.

HIGH COURT OF JUDICATURE MADRAS
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