

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.07.2018

CORAM

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP.No.17927 of 2018

M.Jothi Pragasam

.. Petitioner

Versus

1.The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001.

2. The Financial Advisor and Chief Accounts Officer,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to consider the petitioner's representation dated 01.06.2018 to pay the difference rate of interest on the petitioner's contribution provident fund and General provident fund paid from the date of appointment dated 16.08.1970 to till the date of Voluntarily Retirement (without pension) dated 31.07.2006 as per Government Notification and further interest on belated payment on difference of interest payable by Chennai Port Trust.

For Petitioner : Mr.M.Antony Jesurajan

For Respondents: Mr.M.Palanimuthu, Standing Counsel

सत्यमेव जयते
ORDER

By consent of the parties, the writ petition is taken up for final disposal.

2 The petitioner would state that he was appointed as a Tally Clerk on 16.08.1970 at MDLB (Madras Duck Labour Board) in Traffic Department at Chennai Port Trust and voluntarily retired in the year 2006 (without Pension) and the respondents were also allowed the petitioner to retire from service with all benefits i.e Gratuity, Provident Fund accumulated Since 1970.

3. The grievance now expressed by the petitioner is that though he was superannuated from service but his retirement

benefits like Contribution Provident Fund and General Provident Fund have been wrongly calculated and paid to him. In this regard, the petitioner has submitted a representation dated 01.06.2018 to pay the differential amount, which is due to him, by the respondents 1 & 2 along with interest. But the same has not been considered and as such, the petitioner has come forward to file this writ petition seeking for direction to the respondents to release the same with interest for all such belated payments.

4 Mr.M.Palanimuthu, Standing Counsel appearing for the respondents however submits that since in this case only very recently the representation was submitted by the petitioner. Hence, the respondents cannot be said to be guilty of inaction. However, the learned counsel appearing for the respondents would submit that if such representation is pending, the authority shall consider and take decision on the same in accordance with law, within a reasonable period as stipulated by this Court.

5 Regard being had to the facts and circumstances of this case, especially the submissions made, this Court dispose of this writ petition with a direction to the 1st respondent to take an informed and considered decision on the representation submitted by the petitioner, in its own merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order. However, it is made clear that this Court has not expressed any opinion on the merits of the representation submitted by the petitioner in any particular manner.

6 The writ petition is disposed of accordingly. However, there shall be no order as to costs.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1.The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001.

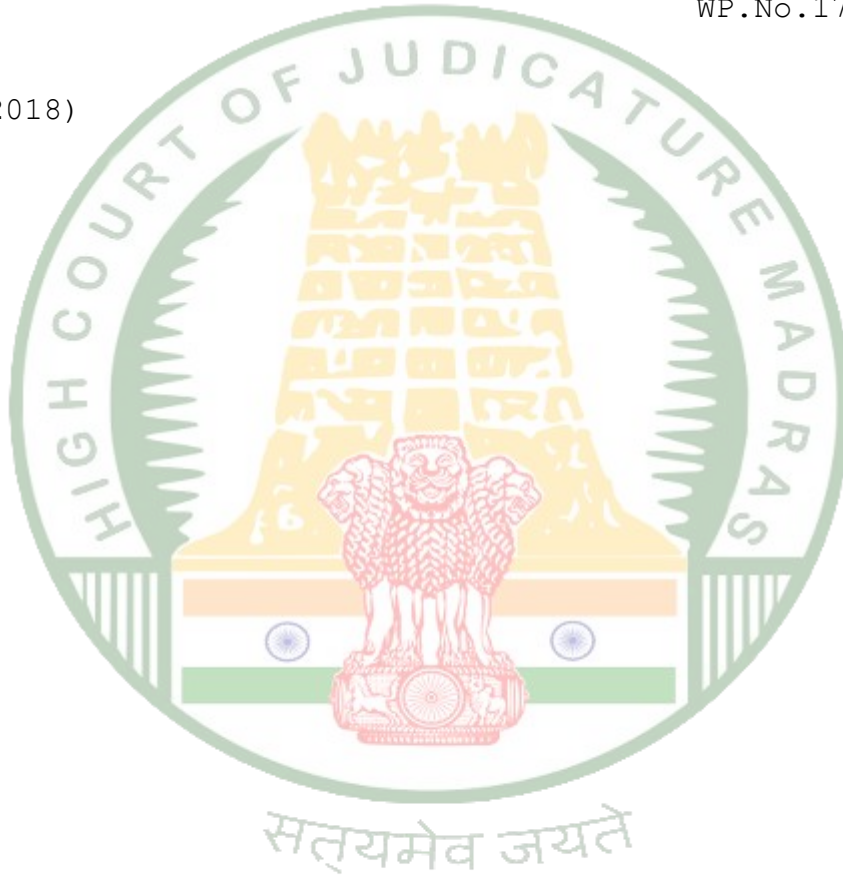
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2 The Financial Advisor and Chief Accounts Officer,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001.

+1 CC to Mr.M.Antony Jesurajan, Advocate sr 46736.
+1 CC to Mr.M. Palanimuthu, Advocate sr 46838.

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NRI (CO)
SP(03/08/2018)



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