



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**W.P. (MD)No.3261 of 2018**

S.Valli

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Tirunelveli Region, Tirunelveli.
2. The Joint Registrar of Co-operative Societies,
Tirunelveli.
3. The Accountant General
(Accounts and Entitlements)
No.361, Anna Salai,
Chennai-600 015.
4. The Treasury Officer,
Tirunelveli.

... Respondents

PRAYER : This Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the interest amount for a sum of Rs.1,91,090/- towards the petitioner's retirement benefits from the date of retirement to till her last date of settlement of pensionary benefits with subsequent interest of 12% based on the order passed in W.P.(MD)No.7122 of 2014 dated 23.04.2014.

For petitioner	: Mr.M.Veilkaniraju
For R1,R2 & R4	: Mr.K.Saravanan Government Advocate
For R3	: Mr.P.Gunasekaran

ORDER

The petitioner is a retired employee of the Co-operative department. She reached the age of superannuation in the year 2012 itself. However, the writ petitioner was not paid the benefits on the ground that surcharge proceeding is pending against her. The writ petitioner filed W.P.(MD)No.7122 of 2014



before this Court, seeking payment of DCRG, Special Provident Fund and Leave Salary with interest of 18% per annum, from the date of retirement. Her writ petition was allowed by an order dated 23.04.2014. This Court disposed of the writ petition with a direction to the authorities to pay DCRG, Special Provident Fund, Leave Salary with statutory interest within a period of eight weeks.

2. The grievances of the petitioner is that even though her DCRG, Special Provident Fund and Leave Salary are paid, the statutory interest amount was not paid. She has therefore come up with this present writ petition.

3. This Court is of the view that this writ petition is not maintainable. When she already obtained an order of payment of statutory interest in her favour, the writ petitioner ought to have filed a contempt petition within the limitation period of one year. It was not done. So a second application will not lie.

4. Accordingly, this writ petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Registrar of Co-operative Societies,
Tirunelveli Region, Tirunelveli.
2. The Joint Registrar of Co-operative Societies,
Tirunelveli.
3. The Treasury Officer, Tirunelveli.
4. The Accountant General
(Accounts and Entitlements)
No.361, Anna Salai, Chennai-600 015.

- + 1 cc TO Mr.M.Veilkani Raju , Advocate in SR No. 57129
- + 1 cc TO Mr.P.Gunasekaran , Advocate in SR No. 56885
- + 1 cc TO The Special Government Pleader in SR No. 56951

pnn

AE/SV MMS/SAR4/02.05.2018/2P/8C