



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.1723 of 2014

T.Joseph Christadoss

... Petitioner

Vs.

1. The Secretary, Pope's College,
Sawyerpuram,
Thoothukudi District.
2. The Principal, Pope's College,
Sawyerpuram-628 251.
3. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.
4. The Principal Accountant General (ACE),
Chennai - 18.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to pay the interest and penal interest on the belated payment of the petitioner's retirement benefits -Pension, arrears of pension, commuted value of Pension, DCRG (paid on 02.07.2013) Provident Fund, Encashment of earn leave and unearned leave on Private Affairs (paid on 03.09.2013) and Special Provident Fund (on 30.09.2013) from the date of retirement on 31.01.2011 to till the dates on which these amounts were settled.

For petitioner	: Mr.K.Samidurai
For respondents	: Mr.S.Meenakshi Sundaram, Sr.Counsel for Mr.N.GA.Natraj for R1 and R2 Mrs.S.Srimathy, Special Govt., Pleader for R3 Mr.P.Gunasekaran for R4

O R D E R

Heard the learned counsel on either side.



2.The petitioner served as a Principal in the first respondent college. He reached the age of superannuation 31.01.2011. Since the date of his retirement had fallen during the middle of the academic year, he continued to serve the institution till 31.05.2011. The petitioner's grievance is that his pensionary benefits were settled only by 01.06.2013. Since there was delay in settling his retirement benefits, the petitioner wants the respondents to pay interest and penal interest also. The petitioner had already filed WP(MD)No.11830 of 2016 before the Principal Bench of this Court. The prayer in the said writ petition reads as under :

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to disburse the pension and all other retirement benefits to the petitioner with interest.

3.By order dated 29.10.2012, the said writ petition was disposed of in the following manner :

In view of all the above, the writ petition is allowed with a direction to the 1st respondent to forward the authorisation sent by the 4th respondent forthwith along with necessary papers to the Treasury to enable the petitioner to get monthly pension. In any view of the matter, the said exercise shall be completed by the 1st respondent within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

4.The learned counsel appearing for the respondents 1 and 2 submits that the direction given by this Court was complied with by the college management. Since the petitioner had already sought the very same relief in the aforesaid writ petition and this Court has not chosen to grant the relief of payment of interest, this writ petition on the same cause of action will not lie.

5.This writ petition is dismissed as not maintainable. No costs.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar



To

1. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

2. The Principal Accountant General (ACE),
Chennai - 18.

+ 1 CC TO Mr.K.SAMIDURAI, ADVOCATE IN SR No. 55816
+ 1 CC TO Mr.N.GA.NATRAJ, ADVOCATE IN SR No. 55812
+ 1 CC TO Mr.P.GUNASEKARAN, ADVOCATE IN SR No. 55511
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 55984

SKM

TE/KKR/SAR-4 : 04/07/2018 : 3P/7C

W.P (MD)No.1723 of 2014
15.03.2018