



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.03.2018

WEB COPY

CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.465 of 2015

G.Raamiah

...Petitioner

Vs.

1.The Chief Engineer,
Distribution,

Chennai Region/South,
Tamil Nadu Electricity Board,
Chennai.

2.The Superintendent Engineer,
Chennai Electricity Distribution Circle/South,
Tamil Nadu Electricity Board,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the second respondent in his Letter in Lr.No.009120/Adm2/A1/F.Court case/2014 dated . 05.2014 and quash the same as illegal and consequently direct the second respondent to settle petitioner's retirement benefits with 7.5% interest from the date of attaining his superannuation within a prescribed time.

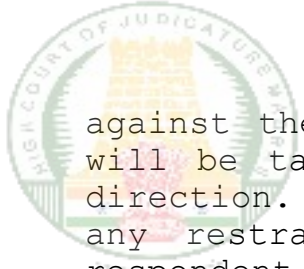
For Petitioner : Mr.J.Lawrance
For Respondents : Mrs.S.Srimathy
for Mr.Dhayalan

ORDER

Heard the learned counsel on either side.

2.By consent of both parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner is a retired Tamil Nadu Electricity Board employee. He retired from service on 31.12.2007. But the terminal benefits payable to the petitioner have not yet been settled. Therefore, he filed a Writ Petition in W.P.(MD).No.3217 of 2010 before this Court and this Court by order dated 04.04.2013, directed the second respondent to release all the petitioner's retirement benefits, if there is no other legal impediment. But the second respondent issued the impugned communication dated 12.06.2014 informing the petitioner that there are several claims, lodged



against the petitioner in the form of civil suits and that action will be taken to settle the retirement benefits as per the Court direction. From the impugned order, it is not evident that there is any restraint order passed against the respondents. When the respondent authorities have not been restrained by a competent Court of law from disbursing the retiral benefits, the respondents are not justified in taking a stand that only as per Court direction the retirement benefits will be settled. In fact, it should be the other way. When the Court directs the authorities not to settle the retirement benefits, the authorities should not settle it. For settling the retiral benefits, the authorities do not require the direction of this Court. The understanding of the Authority is logically inverted.

4. The order impugned in the Writ Petition stands quashed. The retirement benefits shall be disbursed forthwith without any further delay, in any event within a period of six weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Chief Engineer Distribution,
Chennai Region/South,
Tamil Nadu Electricity Board,
Chennai.

2. The Superintendent Engineer,
Chennai Electricity Distribution Circle/
South Tamil Nadu Electricity Board, Chennai.

+1cc to Mr. J. LAWRENCE, Advocate, SR. 53221

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TSG

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