



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12705 of 2016

&

WMP(MD)No.16833 of 2017

A.Elaiyaperumal

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep.by its Secretary to Government,
Tamil Development,
Culture and Charitable Endowments Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai - 600 034.
3. The Joint Commissioner,
Hr.&CE, Kottai Mariamman Ground,
Salem.

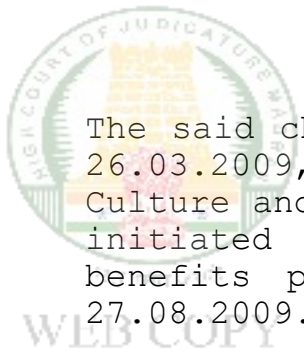
... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay interest to the petitioner at a rate of 18% per annum for the delayed settlement of entire retirement benefits from the date of superannuation (ie) 31.05.1998 to till date of actual payment (ie) 27.08.2009 and as well as further direct the respondents to pay further interest from 27.08.2009 onwards to till date of entire settlement.

For Petitioner	: Mr.A.Thirumurthy for M/s.Victory Associates
For Respondents	: Mr.J.Gunaseelan Muthaiah, Addl. Govt. Pleader

ORDER

The writ petitioner joined the Hindu Religious and Charitable Endowments Department in the year 1965. He was promoted as Assistant Commissioner in January 1998. He reached the age of superannuation on 31.05.1998. However, he was not allowed to retire, in view of the initiation of charge memo dated 18.05.1998.



The said charge memo was kept pending for 11 long years. Only on 26.03.2009, the Government issued G.O.(D).No.271, Tamil Development Culture and Charitable Endowment to drop the disciplinary proceeding initiated against the writ petitioner in the year 1998. The benefits payable to the writ petitioner were also disbursed on 27.08.2009.

2.The grievance of the writ petitioner is that when disciplinary action initiated against him got dropped and he was ultimately allowed to retire, the terminal benefits paid to him ought to have been paid along with interest. There is merit in this writ petition.

3.This Court therefore directs the respondents to disburse the interest amount calculated at the rate of 12% per annum to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

4.The writ petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar ()

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu
Tamil Development
Culture and Charitable Endowments Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai - 600 034.
3. The Joint Commissioner,
Hr.&CE, Kottai Mariamman Ground,
Salem.

+ 1 CC TO Mr.A.THIRUMURTHY, ADVOCATE IN SR No. 42727
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 43082

SKM

TE/SV/SAR-1 : 09/02/2018 : 2P/5C