

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.02.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.21260 of 2011

Dr.K.Santhi

... Petitioner

vs.

1.The Commissioner,
Corporation of Chennai,
Ribbon Building,
Chennai-06

2.The Health Officer,
Corporation of Chennai,
Ribbon Building,
Chennai-06

3.The Zonal Officer,
Zone No.8, Chennai Corporation,
Kodampakkam High Road,
Kodambakkam,
Chennai-24

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to settle the petitioner's retirement benefit of Rs.1,06,392/- along with 12% interest per annum from January 2000 till date, based on petitioner's representation dated 05.07.2011 in accordance with law.

For Petitioner ... Mr.J.Jothi

For Respondents ... DR.C.Ravichandran,
Standing counsel for
R1 to R3

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ORDER

The petitioner has approached this Court seeking a writ of mandamus directing the respondents herein to settle her retirement benefit of Rs.1,06,391/- along with 12% interest per annum from January 2000 till date, based on her representation dated 05.07.2011, in accordance with law.

2. In response to the writ petition, a counter affidavit has been filed. In the counter affidavit, in paragraph No.7 it is stated that whatever amount is due to the petitioner had been settled by issuing a cheque dated 24.11.2011, for a sum of Rs.1,06,392/-. The said fact has also been acknowledged by the learned counsel for the petitioner. However, the learned counsel for the petitioner would submit that in view of the belated settlement of the terminal benefits, the petitioner is entitled to interest for the payment.

3. At this, the learned counsel for the respondent Corporation would submit that as early as in 2004 and 2007, communications have been addressed to the petitioner to furnish advance stamp receipt for settlement of the amount. However, the same had not been responded to by the petitioner. According to the learned counsel for the respondent Corporation, the petitioner shifted her residence and she could not be contacted thereafter. However, the original communications addressed to the petitioner in 2004 and 2007 had not been replied at all, by the petitioner. Therefore, the learned counsel for the respondent Corporation would submit that it is not open to the petitioner to take advantage of her own delay in responding to the communications sent by the respondent Corporation.

4. This Court is in agreement with the submissions made on behalf of the respondent Corporation. When the Corporation had taken steps to address communication to the petitioner as early as in 2004 and followed up in 2007, asking her to give advance stamp receipt, it was entirely due to the delay attributable to the petitioner in responding to the communications, the terminal benefits had been settled only in 2011. Therefore, this Court is unable to appreciate as to how the claim for interest can be considered in favour of the petitioner. In the said circumstances, for the aforesaid reason, the claim for interest on the belated payment of terminal benefit is without any justification and therefore, the

writ petition stands dismissed in so far as the claim of interest is concerned. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner,
Corporation of Chennai,
Ribbon Building,
Chennai-06
- 2.The Health Officer,
Corporation of Chennai,
Ribbon Building,
Chennai-06
- 3.The Zonal Officer,
Zone No.8, Chennai Corporation,
Kodampakkam High Road,
Kodambakkam,
Chennai-24

+1cc to DR.C.Ravichandran,, Advocate sr.18149

W.P.No.21260 of 2011

gp(co)
nr 01/04/2019

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