

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.3137 of 2019

J.Venugopal

... Petitioner

Vs

The Commissioner,
Chennai City Municipal Corporation,
Chennai-600 003.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to consider the representation submitted by the petitioner on 06.12.2018 for sanction of interest for the belated payment of final settlement of General Provident Fund, Special Provident Fund and Encashment of Earned Leave/Private Affairs from 01.07.2014 to 05.12.2018 in the light of the orders already passed by the Hon'ble Supreme Court in the case of S.K.Dua Vs. State of Haryana (2008 (3) SCC 44), within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondent : Dr.C.Ravichandran for Corporation.

O R D E R

The issue involved in this writ petition is regarding the sanction of interest for the belated payment of terminal benefits due to the petitioner.

2. It is the case of the petitioner that he entered into the service of the City Municipal Corporation as Assistant Engineer on 28.06.1979 through Employment Exchange. At the age of retirement i.e., on 28.06.2014, he was working as Superintending Engineer (Electrical). Whiles, he was placed under suspension vide G.O.(D) No.243, MAWS Department, Dated 28.06.2014. The said order was challenged by the petitioner by filing WP.No.17203 of 2014, which was dismissed on 01.07.2014. The petitioner filed an appeal in WA.No.560 of 2015, which was disposed of, by judgment dated 17.04.2015, directing the

Secretary to Government, MAWS Department, Chennai to consider the case of the petitioner for revocation of suspension and to pass appropriate orders, within a period of three months. Since no order was passed, the petitioner filed Contempt Petition No.1680 of 2015, which is pending. In such circumstances, the petitioner requested the respondents for settlement of his personal savings of General Provident Fund, Special Provident Fund and Encashment of Earned Leave/Private Affairs at his credit. The said benefits were sanctioned to the petitioner belatedly, by the proceedings of the Superintending Engineer (Works) dated 05.12.2018. Hence, he submitted a representation dated 06.12.2018, seeking interest for the belated payment of retiral benefits to him. Finding no response on the said representation, the petitioner is before this Court with the present writ petition.

3.The learned counsel for the petitioner, referring to the Judgment in S.K. Dua, v State of Haryana [2008 (3) SCC 44], submitted that the petitioner is entitled to get interest for the belated payment of retiral benefits made by the employer. Hence, the petitioner submitted a representation dated 05.12.2018 in this regard. However, the said representation has not been considered till date.

4. Dr.C. Ravichandran, learned counsel taking notice for the respondent, fairly submitted that the respondent would consider the claim of the petitioner on merits and in accordance with law.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also in view of the settled principle that an employee is entitled to interest on belated payment of pension and other retiral benefits, even in the absence of statutory rules/administrative instructions or guidelines, the respondent is directed to consider the representation of the petitioner dated 06.12.2018 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of in the above terms. No costs.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

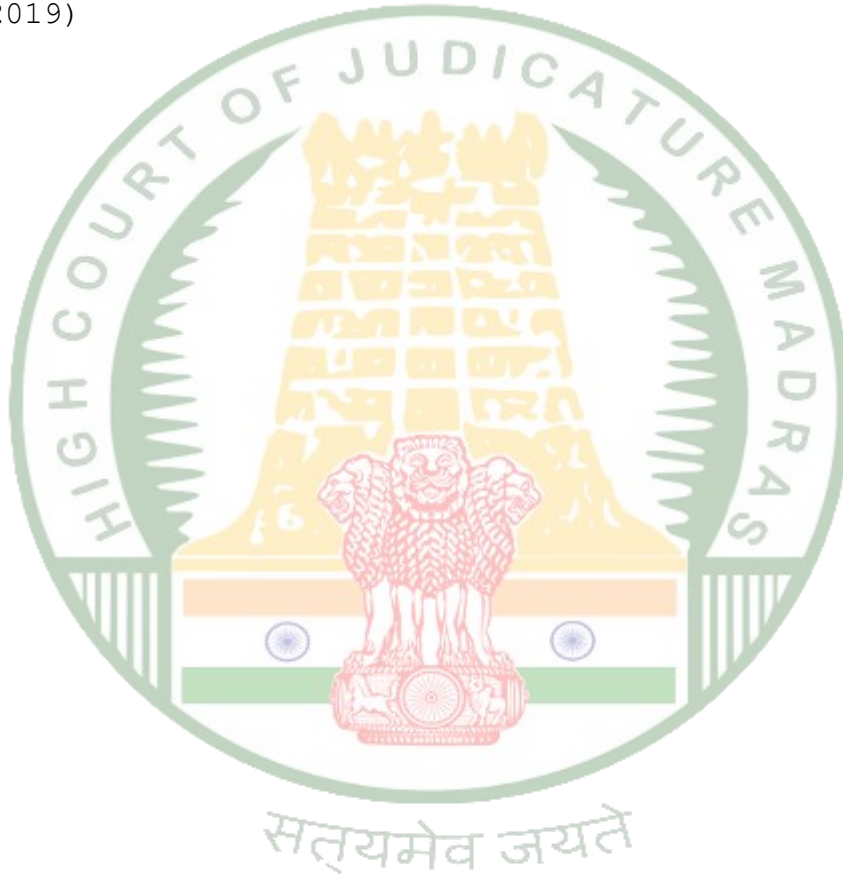
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To

The Commissioner,
Chennai City Municipal Corporation,
Chennai-600 003.

W.P.No.3137 of 2019

GN (27/03/2019)



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