

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2019

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.9744 of 2005

And

W.P.M.P.No.10585 of 2005

M.Muthu ... Petitioner

Vs

1.The District Collector,
Erode District,
Erode.

2.The Director of Pension,
DMS Compound,
Teynampet,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings No.Mu.Mu.85175/2004/Pa.E3, dated 16.12.2004 and quash the same and consequently direct the respondents to disburse the interest on belated payment of gratuity.

For Petitioner : Mr.C.Prakasam

For Respondents : Mrs.R.Janaki,
Additional Government Pleader.

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O R D E R

The relief sought for in the present writ petition is to call for the records in relation to the order of rejection passed by the first respondent in proceedings dated 16.12.2004 for grant of interest for the belated settlement of terminal and pensionary benefits.

2. The writ petitioner was working as Block Development Officer and retired from service on 30.6.1992, on attaining the age of superannuation.

3. The grievance of the writ petitioner is that the gratuity and other pensionary benefits are settled belatedly and therefore, he is entitled to get interest for the belated settlement of the terminal and pensionary benefits.

4. The District Collector, Erode District considered the request of the writ petitioner and passed the impugned order in proceedings dated 16.12.2004, stating that the delay in settlement of the retirement benefits occurred on account of the pendency of the disciplinary proceedings against the writ petitioner.

5. The Service Rules provide that in the event of pendency of the disciplinary proceedings against the Government Employees, the terminal and retirement benefits cannot be settled and only after conclusion of the disciplinary proceedings, all the benefits are to be settled in favour of the writ petitioner.

6. In the present case on hand, the first respondent states that there is a delay in settling the retirement benefits on account of pendency of the disciplinary proceedings against the writ petitioner and therefore, the writ petitioner is not entitled to claim any interest for the belated payment as the Department is not responsible for such delay.

7. Thus, the writ petition is devoid of merits and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

//True Copy// सत्यमेव जयते Assistant Registrar (CS)

Sub Assistant Registrar

Svn
To

1.The District Collector,
Erode District,Erode.

2.The Director of Pension,
DMS Compound,Teynampet,Chennai.

+1cc to Mr.C.Prakasam , Advocate SR.No. 8892

WP No.9744 of 2005

A.SK (19/02/2019)