

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.14776 of 2014

Dr.J.Doraiswami

... Petitioner

Vs.

1.Government of Tamil Nadu,
Represented by Secretary to Government,
Animal Husbandry, Dairying and
Fisheries Department,
Secretariat, Chennai - 600 009.

2.The Director of Animal Husbandry and
Veterinary Services,
Chennai - 600 006.

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the first respondent to sanction and disburse compound interest forthwith at 18% per annum for the period from 02.01.2003 to 31.07.2013 for the delayed payment of Rs.3,11,607/- to the petitioner towards surrender Earned Leave Salary of 239 days.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.B.Anand
Government Advocate

O R D E R

The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the first respondent to sanction and disburse compound interest forthwith at 18% per annum for the period from 02.01.2003 to 31.07.2013 for the delayed payment of Rs.3,11,607/- to the petitioner towards surrender Earned Leave Salary of 239 days.

2. The case of the petitioner is that he was allowed to retire from service on 31.12.2003 without prejudice to the criminal case pending against him, pursuant to the order passed

in W.A.No.1443 of 2015, dated 23.09.2015, and the Government also vide G.O.Ms.No.103, Animal Husbandry, Dairying and Fisheries (AH1) Department, dated 04.03.2016, sanctioned 6% interest on the delayed payment of Special Provident Fund Scheme 984, final surrender and Death-cum-Retirement Gratuity to the petitioner. According to the petitioner, the respondents have not paid compound interest for the period from 02.01.2003 to 31.07.2013 for the delayed payment of Rs.3,11,607/-. Hence, the petitioner sent a representation to the respondents on 15.01.2014. Since there was no response, the petitioner is before this Court.

3. The learned Government Advocate, by referring paragraph No.9 of the Government Order in G.O.Ms.No.103, Animal Husbandry, Dairying and Fisheries (AH1) Department, dated 04.03.2016, would submit that the Government sanctioned interest to the petitioner for the surrender of earned leave salary also and also produced a letter dated 10.03.2016, stating that final surrender interest and SPF interest of a sum of Rs.6,312/- was sanctioned to the petitioner on 10.03.2016. It is further submitted that the respondents will consider the representation of the petitioner dated 15.01.2014, on merits and in accordance with law.

4. In the light of the submissions and also considering the limited scope of prayer sought for in this writ petition, this Court, without going into merits of the case, directs the first respondent to consider the petitioner's representation dated 15.01.2014 and pass orders on merits and in accordance with law, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-

सत्यमेव जयते
Assistant Registrar

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Sub Assistant Registrar

To

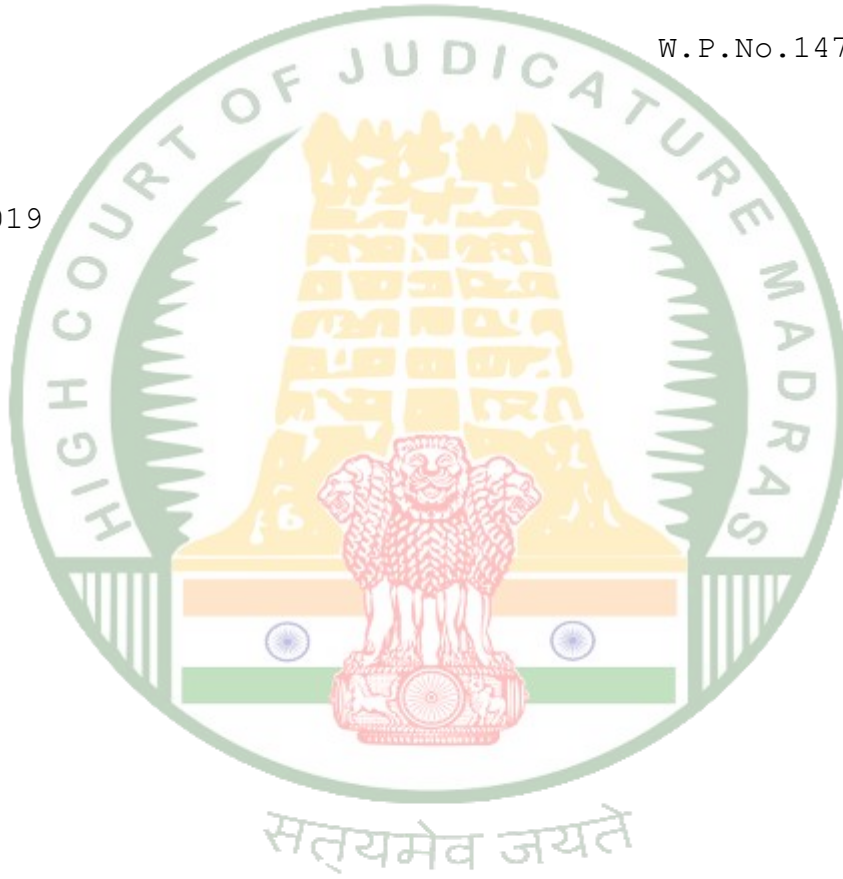
1.The Secretary to Government of Tamil Nadu,
Animal Husbandry, Dairying and
Fisheries Department,
Secretariat, Chennai - 600 009.

2.The Director of Animal Husbandry and
Veterinary Services,
Chennai - 600 006.

+1cc to Mr.M.Ravi, Advocate Sr.31342
+1cc to the Government Pleader Sr.32003

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srg 7/5/2019



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