

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.09.2019
CORAM:
THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P.No. 26491 of 2019

S.Ramasamy

... Petitioner

Vs.

- 1.The Commissioner of Municipal Administration
Ezhilagam, Chepauk,
Chennai-600 005.
 - 2.The Examiner of Local Fund Accounts
Nandanam
Chennai-600 035.
 - 3.The Commissioner
Mettur Municipality
Mettur,
Salem District.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to sanction the interest on the belated payment of terminal benefits to a tune of Rs.10,17,251/- which is due on 31.05.1996 and paid on 10.06.2009 with 12% interest compounded annually as per G.O.Ms.No.122 Finance (Pension) Department dated 20.02.1995 based on the Director of Examiner of Local Fund Audit dated 09.04.2019.

For Petitioner : Mr.A.R.Nixon
For R1 and R2 : Mr.R.S.Selvam
Government Advocate

For R3 : Mr.V.Jayaprakash Narayana

ORDER

This writ petition is filed seeking direction, directing the respondents to sanction interest on the belated payment of terminal benefits to a tune of Rs.10,17,251/- which is due on 31.05.1996 and paid on 10.06.2009 with 12% interest compounded annually as per G.O.Ms.No.122 Finance (Pension) Department dated 20.02.1995 based on the Director of Examiner of Local Fund Audit dated 09.04.2019.

2.The learned counsel for the petitioner submitted that the petitioner is a retired Assistant from Mettur Municipality after rendering 38 years of service. When the petitioner was working as a Store Keeper at Mettur Municipality a criminal complaint was filed against the petitioner and three others by the Vigilance and Anti Corruption Department in Crime No.1/AC/1982 and a case is registered in Special Calender Case No.206 of 1986 and the learned I Additional District Judge cum Judicial Magistrate, Salem by judgment dated 18.11.1999 convicted all the accused persons including the petitioner.

3.Against the judgment, an appeal was preferred before this Court and this Court by judgment dated 20.04.2007 convicted the other accused persons except the petitioner and ordered to refund the fine amount to the petitioner and cancelled the bail bonds executed by the petitioner. Further, the Government has passed an order in G.O.Ms(2D) No.86, Municipal Administration and Water Supply Department, dated 04.06.2008, by revoking the suspension and dismissal order passed against the petitioner. The Government order allowed the petitioner to retire from service with effect from 31.05.1996 and directed the department to pay terminal benefit to the tune of Rs.6,16,488/- to the petitioner.

4.It is the contention of the petitioner that as per the G.O., the terminal benefit is payable to the petitioner with effect from 31.05.1996, the date of his retirement. But the same was paid to the petitioner only on 10.06.2009. Therefore, the petitioner is entitled for interest from the date of his retirement on 31.05.1996 till the date of disbursement of the terminal benefit on 10.06.2009, as per G.O.Ms.No.122 Finance (Pension) Department dated 20.02.1995. Regarding the same, the petitioner made representations dated 02.12.2009, 05.08.2011 and 18.11.2014 and no further action has been taken on his representation. Seeking disposal of his representations, this Writ Petition is filed.

5.Considering the facts and circumstances of this case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the respondents to dispose of the petitioner's representations. if not disposed already within a period of eight (8) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

pnn

To

1.The Commissioner of Municipal Administration
Ezhilagam, Chepauk,
Chennai-600 005.

2.The Examiner of Local Fund Accounts
Nandanam
Chennai-600 035.

+1 cc to M/s.V.Jayaprakash Narayanan Advocate sr77137

+1 cc to Government pleader sr77770

+1 cc to M/s.A.R.Nixon Advocate sr77159

W.P.No. 26491 of 2019

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