

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.34802 of 2019

T.Shanmugam

Petitioner

vs.

1. The Government of Tamil Nadu
rep. by the Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.
3. The Joint Director,
Local Fund Audit,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to sanction and pay interest for the belated payment of retirement benefits for the period from 01.12.2008 to 24.04.2017 and for the belated payment of Gratuity for the period from 01.12.2008 to 24.05.2019 at the rate of 12% per annum to the petitioner.

For Petitioner : Mr.P.Rajendran

For Respondents: Mr.P.S.Sivashanmuga Sundaram

Special Government Pleader for R1
M/s.Karthika Ashok for R2 and R3

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents to sanction and pay interest for the belated payment of retirement benefits for the period from 01.12.2008 to 24.04.2017 and also for the belated payment of gratuity for the period from 01.12.2008 to 24.05.2019.

2.It is seen from records that the petitioner was appointed as Junior Assistant in the Corporation of Chennai in the year

1975. He was subsequently promoted as Assistant Revenue Officer. He attained superannuation in the post of Assistant Revenue Officer on 30.11.2008. The petitioner was not allowed to retire from service and was retained in service in and by order dated 30.11.2008 on the ground that enquiry into grave charges is contemplated. The charge memo was served on the petitioner and he also gave reply and ultimately the 2nd respondent passed an order on 05.04.2016 by dropping all the charges framed against the petitioner. Thereafter, the petitioner was allowed to retire from service w.e.f. 30.11.2008.

3.The grievance of the petitioner is that the petitioner was paid the retirement benefits only in the year 2017 and the gratuity in the year 2019 and therefore, the petitioner seeks for interest on the belated payment of the retirement benefits and gratuity.

4.The petitioner made a representation in this regard to the 2nd respondent on 12.06.2019 and since the same did not evoke any response, the present writ petition has been filed before this Court.

5.Heard Mr.P.Rajendran, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader appearing on behalf of the 1st respondent and M/s.Karthika Ashok, learned Standing Counsel appearing on behalf of the respondents 2 and 3.

6.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 12.06.2019 and 27.08.2019 and pass appropriate orders strictly in accordance with law within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with the earlier representations dated 12.06.2019 and 27.08.2019 and also a copy of this order.

7.This writ petition is disposed of with the above directions. No Costs.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

To

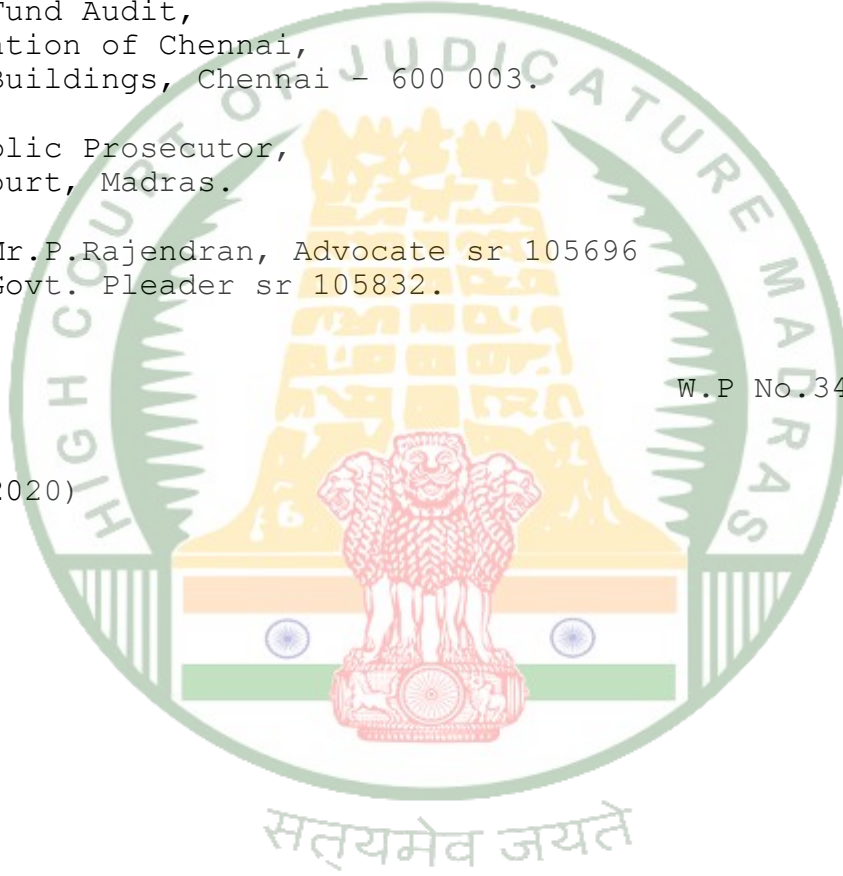
1. The Secretary to Government,
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Fort St. George, Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.
3. The Joint Director,
Local Fund Audit,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.
4. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.P.Rajendran, Advocate sr 105696

+1 CC to Govt. Pleader sr 105832.

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BS (CO)
SP (24/01/2020)



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