

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.02.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.6447 of 2018**

J.Rajeswari

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Madurai - 625 020.

2.The Commissioner,
Thirumangalam Panchayat Union,
Thirumangalam - 625 706.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the second respondent to pay all the monetary benefits and pension on account of the superannuation of the petitioner on 31.05.2015 by considering the representation of the petitioner, dated 30.01.2018 within the time frame fixed by this Court.

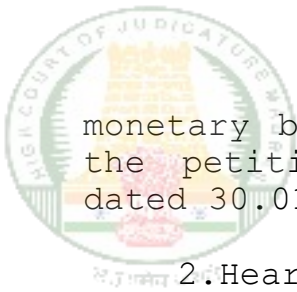
For Petitioner : M/s.P.Jessi Jeeva Priya

For R - 1 : Mr.S.Angappan,
Government Advocate.

For R - 2 : No appearance

ORDER

According to the petitioner, she joined in the service of the first respondent as Noon Meal Organizer and on certain charges, she has been kept under suspension on 22.01.1993 and the same was challenged by her by filing writ petitions and finally, she was reinstated into service on 23.12.2001, but, she was not allowed to re-join the service on the ground that she has to reimburse the alleged shortage amount and that proper recovery proceedings were not initiated against her. Though several litigations had ended in her favour, she was not allowed to join duty till she attained the age of superannuation on 21.05.2015. However, the terminal and pensionary benefits due to him have not been settled. Hence, he made representation to the respondents. However, the same yielded no result. As he is entitled to receive all the terminal and pensionary benefits, the petitioner has come forward with the present writ petition seeking a direction to the second respondent to pay all the



monetary benefits and pension on account of the superannuation of the petitioner on 31.05.2015 by considering his representation, dated 30.01.2018, within the time stipulated by this Court.

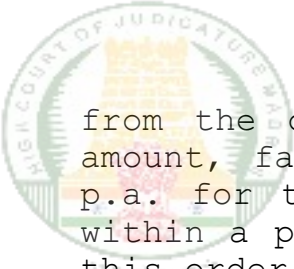
2. Heard both sides and perused the records.

3. This Court, in WP(MD)No.20107 of 2018 vide order dated 28.02.2019, extensively dealt with the issue relating to sanction of retirement benefits, pension and interest on belated payment of the same and ultimately, observed and held at paragraphs 20 and 22, as under:

"20. Thus, the principles enunciated from the aforesaid decisions rendered by the Supreme Court as well as by this Court and also in the light of the Government Orders and the relevant provisions of law, are that the benefits bestowed by law upon an employee in recognition of his/her committed, continuous, loyal and devoted duty by payment of the pension, gratuity, leave salary etc., are in the nature of property and such right cannot be taken away without following due process of law; further, the grant of pension is not a bounty and the Government is obliged to follow the relevant Rules in that regard; Also that, the delay in settlement of retiral benefits and payment of pension is frustrating the employees and the same could have been compensated by way of interest."

"22. In view of the above, the respondent authorities are directed to consider the claim of the petitioner in line with the observations made in the earlier Paragraph Nos.4 to 20 of this order and pay the benefits accordingly. Insofar as the interest on belated payment of retiral benefits is concerned, considering the facts and circumstances of the case and having regard to the present day cost of living, the respondent authorities are directed to pay interest at 8% per annum, from the date of entitlement till the date of payment of entire amount, failing which, the same shall carry penal interest at 18% p.a. for the default period. Such an exercise shall be completed, within a period of six weeks from the date of receipt of a copy of this order."

4. Following the aforesaid order, this writ petition stands disposed of directing the respondent authorities to consider the claim of the petitioner in line with the observations made in the Paragraph Nos.4 to 20 of the order dated 28.02.2019 passed in WP(MD) No.20107 of 2018 and pay the benefits accordingly, if she is found eligible. Insofar as the interest on belated payment of retiral benefits is concerned, considering the facts and circumstances of the case and having regard to the present day cost of living, the respondent authorities are directed to pay interest at 8% per annum,



from the date of entitlement till the date of payment of entire amount, failing which, the same shall carry penal interest at 18% p.a. for the default period. Such an exercise shall be completed, within a period of six weeks from the date of receipt of a copy of this order. No costs.

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Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Collectorate,
Madurai - 625 020.
- 2.The Commissioner,
Thirumangalam Panchayat Union,
Thirumangalam - 625 706.

+1cc to Mr.P.JESSI JEEVA PRIYA, Advocate, SR.No. 51305

W.P(MD)No.6447 of 2018
28.02.2019

PS

KK/SAR/24.05.2019/ 3P- 4C