

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

DATED: 28.02.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.13654 of 2018**

K.Sakthivel

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Co-operative Housing Federation Limited,
No.48, Rithardon Road,
Vepperi, Chennai - 600 007.

2.The Deputy Registrar of Co-operative Societies
(Housing) Limited, Madurai Region,
No.580, K.K.Nagar,
Madurai - 625 020.

3.The Special Officer,
MDA HSG 59, Thirumangalam Taluk,
Co-operative Housing Society Limited,
Thirumangalam,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents herein to disburse petitioner's retirement benefits of employees provident fund, leave encashment salary and arrears of salary by considering the petitioner's representation, dated 16.02.2017 within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.**ORDER**

According to the petitioner, he worked in the third respondent Society as clerk and he retired from service on 31.11.2016, on reaching the age of superannuation. 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 respondents to disburse the petitioner's retirement benefits viz., provident fund,



leave encashment salary and arrears of salary by considering his representation, dated 16.02.2017 within the time stipulated by this Court.

2. Heard both sides and perused the records.

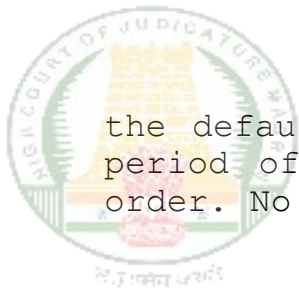
WEB COPY

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. 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.

Sd/-

Assistant Registrar (CRL SIDE)

WEB COPY

// True Copy //

Sub Assistant Registrar (CS)

ps

To

- 1.The Managing Director,
Tamil Nadu Co-operative Housing Federation Limited,
No.48, Rithardon Road,
Vepperi, Chennai - 600 007.
- 2.The Deputy Registrar of Co-operative Societies
(Housing) Limited, Madurai Region,
No.580, K.K.Nagar,
Madurai - 625 020.
- 3.The Special Officer,
MDA HSG 59, Thirumangalam Taluk,
Co-operative Housing Society Limited,
Thirumangalam,
Madurai District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 51032

W.P (MD) No.13654 of 2018
28.02.2019

mt (CO)

TR (10.05.2019) 3P 5C