



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.21407 of 2017

A.Rajendran

... Petitioner

Vs.

1.The Commissioner,
The Hindu Religious and Endowment Charitable,
Chennai.

2.The Joint Commissioner,
The Hindu Religious and Endowment Charitable,
B-1 Salai, Ellis Nagar,
Madurai.

3.The Deputy Commissioner/Executive Officer,
The Hindu Religious and Endowment Charitable,
Arulmighu Kallalagar Thirukovil,
Alagarkovil, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the third respondent to settle the petitioner's remaining retirement benefits such as Special Provident Fund as well as Surrender of Earned Leave for the period of six months and further direct the respondents to give interest at the rate of 18% for the delayed settlement of retirement benefits ie., settled benefits only on 05.09.2017.

For Petitioner : Mr.A.Thirumurthy

For RR 1 & 2 : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

For R - 3 : Mr.S.Manohar

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the third respondent to settle the petitioner's remaining retirement benefits such as Special Provident Fund as well as Surrender of Earned Leave for the period of six months and further direct the respondents to give interest at the rate of 18% for the delayed settlement of retirement benefits.

2.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3.The grievance of the petitioner is that upto 05.09.2017, a portion of the pensionary benefits came to be settled. Seeking the remaining amount, the petitioner made a representation, dated 17.07.2017 to the respondents. Since the same has not been considered, the petitioner has filed the present Writ Petition.



4.The learned counsel appearing for the third respondent submitted that there is an audit objection.

5.In view of the above, this Court directs the third respondent to consider the representation of the petitioner, dated 17.07.2017 in the light of the audit objection with regard to settlement of retiral benefits and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner. 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 third respondent is 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.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The Commissioner,
The Hindu Religious and Endowment Charitable,
Chennai.

2.The Joint Commissioner,
The Hindu Religious and Endowment Charitable,
B-1 Salai, Ellis Nagar,
Madurai.

3.The Deputy Commissioner/Executive Officer,
The Hindu Religious and Endowment Charitable,
Arulmighu Kallalagar Thirukovil,
Alagarkovil, Madurai.

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-50694[F] dated 28/02/2019)

+1 CC to M/s.SPL GP (SR-51069[F] dated 01/03/2019)

+1 CC to M/s.S.MANOHAR, Advocate (SR-51160[F] dated 01/03/2019)

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