



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.13423 of 2014

M.J.Rubykanagabai

... Petitioner

-Vs-

1.The Principal Accountant General
of Tamil Nadu, (Accounts & Entitlement),
No.261, Annasalai, Tenampet,
Chennai-18.

2.The Secretary to Government,
School Education Department,
St. George Fort, Chennai.

3.Assistant Elementary Educational Officer,
Urban Range, Municipal Pharmacy Campus,
Nanthi Kovil Street, Trichy-620 002.

4.M.Ayyasamy

5.S.B.Reji Benjamin

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the retirement benefits such as special provident fund, teacher provident fund, encashment of earned leave, unearned leave and all other terminal benefits which the petitioner entitled on account of superannuation on 31.07.2013 together with interest at the rate of 24% per annum on the said sum forthwith within the stipulated period fixed by this Court.

For Petitioner	: Mr.R.Rajaraman
For R1	: Mr.P.Gunasekaran
For R2 and R3	: Mrs.S.Srimathy, Special Government Pleader.
For R4 and R5	: No Appearance

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to disburse the retirement benefits such as special provident fund, teacher provident fund, encashment of earned leave, unearned leave and all other terminal



benefits for which the writ petitioner is entitled on account of his retirement on 31.07.2013.

2.The writ petitioner was employed as Headmistress and allowed to retire from service on 31.07.2013. The Writ Petition itself was filed on 12th Day of August, 2014 i.e., after completion of one year from the date of her retirement.

3.The learned counsel appearing on behalf of the first respondent made a submission that the terminal and pensionary benefits due to the writ petitioner had already been settled and in respect of the Special Provident Fund, the said amount was also settled in March, 2015. There was no delay on the part of the authorities, in view of the fact that the writ petitioner was allowed to retire from service on 31.07.2013 and within a period of 7 or 8 months, the pension settlements had been made.

4.Even in case of any undue delay on the part of the authorities, then the writ petitioner is at liberty to submit a fresh representation, claiming interest as admissible with reference to the rules in force. However, as far as other terminal and pensionary benefits are concerned, the said amount has already been settled in favour of the writ petitioner and therefore, no further directions are required. Accordingly, the writ petitioner is at liberty to submit a fresh representation, claiming interest, if any, due to the writ petitioner.

5.Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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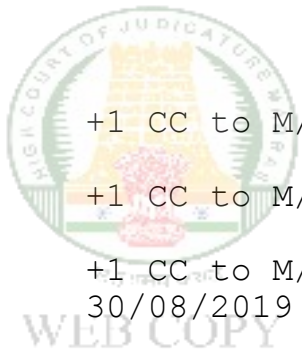
Sub Assistant Registrar

To

1.The Principal Accountant General
of Tamil Nadu, (Accounts & Entitlement),
No.261, Annasalai, Tenampet,
Chennai-18.

2.The Secretary to Government,
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3.Assistant Elementary Educational Officer,
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+1 CC to M/s.SPL GP (SR-84178[F] dated 29/08/2019)

+1 CC to M/s.R.RAJARAMAN, Advocate (SR-84245[F] dated 29/08/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-84688[F] dated
30/08/2019)

W.P. (MD) No.13423 of 2014
28.08.2019

Myr

MS/10.09.2019/3P.7C