

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 08.08.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.756 of 2014****WEB COPY**

P.Kathirvel

... Petitioner

-Vs-

1.The Director of School Education,
College Road, Chennai-6.

2.The District Educational Officer,
Palani, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order vide O.Mu.No.3933/A1/2013 dated 02.12.2013 passed by the second respondent and quash the same and consequently, to direct the respondents to pay appropriate interest to the petitioner for the delayed payment of retirement benefits of Rs.8,95,000/-.

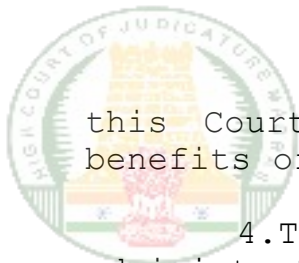
For Petitioner : Mr.S.Anwar Sameem

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.**ORDER**

The order dated 02.12.2013, rejecting the claim of the writ petitioner for grant of interest for the belated settlement of terminal and pensionary benefits, is under challenge in the present Writ Petition.

2.The writ petitioner, who was working in the post of Record Clerk, attained the age of superannuation on 31.05.2010. The writ petitioner made a request to settle his retirement benefits. However, the said claim of the writ petitioner was denied by the respondents on the ground that matrimonial dispute between the writ petitioner and his first wife was pending.

3.The fact remains that the writ petitioner married one Rosariya Mary and she deserted and left the matrimonial home. The first wife of the writ petitioner never came back for about 20 years. Thereafter, the writ petitioner married another woman and was leading his matrimonial life. After so many years. The first wife of the writ petitioner made an objection that the terminal benefits should not be settled. The writ petitioner earlier filed W.P. (MD) No.3757 of 2010 and this Court passed an order on 14.03.2013 in favour of the writ petitioner. Pursuant to the orders passed by



this Court in the above Writ Petition, terminal and retirement benefits of the writ petitioner were settled.

4. Thus, this Court is of an opinion that the respondents' administration is not responsible for any delay in settlement of the retirement benefits. The first wife of the writ petitioner, who was not legally divorced, made an objection and subsequently, the writ petitioner filed the Writ Petition and pursuant to the orders passed in the Writ Petition, pensionary benefits were settled.

5. Under these circumstances, the department cannot be faulted and on account of pendency of the Writ Petition filed by the writ petitioner with reference to the disputes between the writ petitioner and his first wife, payment of terminal benefits are delayed. Thus, the writ petitioner is not entitled for any interest for the period, in which the Writ Petition was pending, on account of the complaint given by the first wife of the writ petitioner.

6. In view of these facts, there is no infirmity as such in respect of the impugned order and accordingly, this Writ Petition is devoid of merits and the same stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director of School Education,
College Road, Chennai-6.
2. The District Educational Officer,
Palani, Dindigul District.

+1 CC to SPL GP (SR-81182[F] dated 09/08/2019)

W.P. (MD) No. 756 of 2014
08.08.2019

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