

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4305 of 2020

S.Deivasigamani

...Petitioner

Vs.

The Government of Tamilnadu represented by
the Secretary to the Government
Health and Family Welfare Department
Fort St George, Chennai 600 009.

..Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondent to consider the petitioner's representation dated 26.09.2019 praying for interest for the belated payment of his gratuity from 01.12.2008 to 03.03.2014 [date of issuance of Government Order] within a time limit to be stipulated by this Court.

For Petitioner	: Mr.J.Lakshmi Naryanan
For Respondent	: Mr.P.V.Selvakumar, AGP

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondent to consider the representation made by the petitioner, who is seeking for interest for the belated payment of his gratuity from 01.12.2008 to 03.03.2014.

2. It is seen from records that the petitioner was working as a Junior Administrative Officer and during service, disciplinary proceedings were initiated against the petitioner. The petitioner was permitted to retire from service in the year 1999, without prejudice to the Disciplinary proceedings. The petitioner had also paid the provisional pension. The petitioner was exonerated from all charges in the year 2009 and thereafter, he has been paid with all his retirement benefits. The grievance of the petitioner is that there was nearly a 10 years delay in settling the retirement benefits and therefore, he is seeking for payment of interest. According to the petitioner, the retiral benefits ought not to have been withheld till the finalization of the disciplinary proceedings. The further case of the petitioner is that similarly placed persons approached this Court in the year 2012 and this Court had directed the payment

of interest to the concerned person. This writ petition was filed in the year 2014 and it was disposed in the same year.

3. The petitioner for the first time has made a representation in September 2019, seeking for the interest on the belated payment of the retirement benefits.

4. The learned counsel for the petitioner submitted that the petitioner is aged about 78 years and therefore, there was some delay in making his claim for interest on the belated payment of the retirement benefits.

5. It is seen from records that there is absolutely no explanation as to why it took nearly five years for the petitioner to even make a representation to the respondent in this regard. The petitioner had slept over his right and has approached this Court with an exorbitant delay. And therefore, this writ petition is liable to be dismissed on the ground of laches. No useful purpose will be served by giving direction to the respondent to consider the representation. In the result, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS - VI)

//True Copy//

Sub Assistant Registrar

rka

To

The Secretary to the Government
Government of Tamilnadu
Health and Family Welfare Department
Fort St George, Chennai 600 009.

+1cc to Mr.J.Lakshmi Narayanan, Advocate, Sr.No.16682.
+1cc to The Government Pleader, Sr.No.16729.

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SPD(CO)
klt (21/05/2020)