

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 3224 OF 2013

Dr.A.Selvaraj
Associate Professor of Chemistry (Retired)
C.B.M.College,
Coimbatore-641 042.

.. Petitioner

- Vs -

1. C.B.M.College,
Rep. By its Secretary
Coimbatore-641 042.

2.The Principal
C.B.M.College,
Coimbatore-641 042.

3.The Regional Joint Director of
Collegiate Education,
Coimbatore Region,
Coimbatore-641 018.

4.The Treasury Officer,
Coimbatore Huzur Treasury
Coimbatore- 641 018.

5.Accountant General,
Office of the Accountant General,
Teynampet, Chennai 600 018.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to disburse all petitioner's terminal benefits with 18% interest per annum.

For Petitioner : Mr. R.Subramanian

For Respondents: Mr.G.Sankaran for R1
: M/s V.Bhiman for R2
:Mr. S.Thangavel, Spl.G.P for RR3 to 5.

ORDER

The writ petitioner joined the service of the 1st respondent college as Lecture in Chemistry in the year 1989. He retired from service on attaining the age of superannuation on 30.06.2011 and he was working under re-employment till 31.05.2012 and thus continued in service till the end of the academic year. With regard to his terminal benefits, on 15.02.2010, the petitioner has made an application to the 2nd respondent college to send proposals. According to the petitioner, with great reluctance, the pension proposals alone were forwarded to the 3rd respondent on 23.06.2011. Although petitioner's pension proposals were sanctioned by the 5th respondent on 15.11.2011 itself, the 1st and 2nd respondents refused to issue No Due Certificate for release of pension, Commuted Value of Pension (CVP) and Death Cum Retirement Gratuity (DCRG) despite his repeated requests on various dates. Thereafter, on 03.10.2012, No Due Certificate was issued by the 3rd respondent so that the petitioner was able to get pension and the Commuted Value of Pension. The grievance of the petitioner is that the 1st and 2nd respondents were not sending the Final Closure Bill to the Treasury, which was already approved by the 3rd respondent one year before. In this regard the petitioner made a representation to the 1st and 2nd respondents on 07.11.2012 and 12.01.2012 listing the dues from various terminal benefits and the corresponding interest for these dues. Since no action has been taken upon the said representations, the petitioner has filed this present writ petition.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that during the pendency of the writ petition, the entire terminal benefits were settled. It is the further submission of the learned counsel for the petitioner that though the petitioner retired in the year 2011, however, for more than a year, the amounts were not settled due to in-action on the part of the employees of the respondent and, therefore, prays for a direction to the respondent to initiate disciplinary action against the erring persons who had delayed the settlement of terminal benefits to the petitioner.

3. On the above contention, this Court heard the learned counsel appearing for respondents 1 and 2 and the learned Special Government Pleader appearing for the respondents 3 to 5.

4. As already noted above, during the pendency of the writ petition, the terminal benefits have been settled to the petitioner. The petitioner only wants to take action against the erring officials for the delay caused in settling his dues. In such circumstances, this Court without going into the merits of the issue, permits the petitioner to make a representation

to the Director of Collegiate Education, Chennai to take appropriate action against the erring officials who had delayed settlement of the amount in time, and on such representation being filed, the Director of Collegiate Education, Chennai is directed to consider the same and pass appropriate orders in accordance with law after hearing aggrieved persons as expeditiously as possible.

5. With the above direction, this Writ petition is disposed of. There shall be no order as to costs. Since the Director, Collegiate Education is not a party to this petition, Registry is directed to mark a copy of this order to the Director, Collegiate Education, Chennai for further action as directed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

jrs
To

1. The Secretary,
C.B.M.College,
Coimbatore-641 042.
- 2.The Principal
C.B.M.College, Coimbatore-641 042.
- 3.The Regional Joint Director of
Collegiate Education,
Coimbatore Region,
Coimbatore-641 018.
- 4.The Treasury Officer,
Coimbatore Huzur Treasury
Coimbatore- 641 018.
- 5.Accountant General,
Office of the Accountant General,
Teynampet, Chennai 600 018.
6. The Director of Collegiate Education
Chennai.

+1cc to Mr.R.Subramanian, Advocate SR.No.24695
+1cc to Government Pleader SR.No.24799

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MG (CO)
GMY (06/08/2020)