BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.9114 of 2013
and
M.P(MD).Nos.1 and 2 of 2013

K.Annamalai ... Petitioner-

Vs-

1. The State of Tamil Nadu,
rep., by the Secretary to Government,
Commercial Taxes and Registration (E1) Department,
Secretariat, Chennai 9.

2. The Commissioner of Commercial Taxes,
Elilagam, Chepauk, Chennai -5.

3. The Tamil Nadu Public Service Commission,
Rep., by the Secretary,
Frazer Bridge Road,
Chennai-3. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent in connection with the order passed dated 16.11.2012 in G.O.(2D) No.206, CT& R(E1) Department and quash the same and directing the respondents to pay the all retirement benefits 18% in interest if there is no punishment.

For Petitioner : Mr.R.Singaravelan
Senior Counsel for
Mr.D.Selvanayagam

For Respondents : Mrs.J.Padmavathidevi
Special Government Pleader
for R1 & R2
Mr.K.K.Senthil
for R3

ORDER

The order of the first respondent dated 16.11.2012 passed in G.O.(2D).No.206, Commercial Taxes and Registration (E1) Department, imposing the punishment of cut in pension at the rate of Rs.500/- per month for a period of three years on the writ petitioner is under challenge in the present writ petition.

2.Though the order of punishment is under challenge, the learned Senior Counsel appearing on behalf of the petitioner confined the relief by stating that the grant of interest for the belated settlement of terminal and pensionary benefits is to be considered.

3.The learned Senior Counsel made a submission that there was an enormous delay even in passing final order, despite the fact that the enquiry proceedings were concluded long back. Thus, the delay is to be considered as an administrative delay and accordingly, the writ petitioner is entitled to get interest for the belated settlement of pensionary benefits.

4.However, the factors leading to the delay are to be considered by the respondents with reference to the facts. Such an adjudication is to be done by verifying the records. The writ petitioner has submitted a representation for grant of interest for the belated settlement of pensionary benefits on 18.05.2013. Without going into merits of the matter, the first respondent is directed to consider the representation of the petitioner, dated 18.05.2013 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

1. The Secretary to Government,
   Commercial Taxes and Registration (E1) Department,
   Secretariat, Chennai 9.

2. The Commissioner of Commercial Taxes,
   Elilagam, Chepauk, Chennai -5.

3. The Secretary, ,
   Tamil Nadu Public Service Commission,
   Frazer Bridge Road,
   Chennai-3.

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