



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Thirtieth day of July Two Thousand and Twenty

PRESENT

The Hon'ble Mr. Justice M.SATHYANARAYANAN
and
The Hon'ble Mr. Justice P.RAJAMANICKAM

CMP(MD) No.1736 of 2020
IN
WA(MD) SR No.6445 of 2020

1. THE SECRETARY TO GOVERNMENT,
HIGH WAYS DEPARTMENT,
SECRETARIAT,
CHENNAI-600 009.

2. THE CHIEF ENGINEER (GENERAL)
HIGHWAYS DEPARTMENT,
CHEPAUK,
CHENNAI -600 005.

... PETITIONERS/APPELLANTS

Vs

1. F.BABU
DIVISIONAL ACCOUNTANT (RETIRED),
PROJECT DIVISION- 1,
HIGHWAYS, MADURAI- 2.

2. ACCOUNTANT GENERAL (A & E),
TAMIL NADU,
CHENNAI-600 018.

... RESPONDENTS/RESPONDENTS

Prayer in CMP(MD) . 1736/ 2020 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to to condone the delay of 310 days in filing against the order dated 28.02.2019 in W.P. (MD) No. 4862 of 2016 and pending disposal of the above Writ Appeal and thus render justice.

Prayer in WA(MD) SR No.6445/ 2020 :

To set aside the order passed by this Hon'ble Court in WP(MD) No.4862 of 2016 dated 28.02.2019 and pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

**Prayer in WP (MD) . 4862/ 2016 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to pay interest for the belated payment of his retirement benefits which is due to him from the date of his retirement on 28.02.2007 in terms of G.O.Ms.No.122/Finance dated 20.12.1995.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.AAYIRAM K SELVAKUMAR, Government Advocate for the petitioners and of MR.S.GOVINDAN, Advocate on behalf of the first respondent and MR.P.GUNASEKARAN, Advocate on behalf of second respondent, the court made the following order:-

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

Heard the submissions of the learned counsel appearing for the petitioner as well as the learned counsel appearing for the first respondent/writ petitioner and perused the affidavit, especially, paragraph No.12 and the delay appears to be administrative in nature.

2. The learned counsel appearing for the first respondent/writ petitioner strongly opposed this petition by contending that the first respondent/writ petitioner is a pensioner and belated payment of settlement and interest on belated settlement, are yet to be disbursed and prays for dismissal of this petition.

3. This Court has considered the rival submissions and perused the materials placed before it.

4. This Court, taking into consideration the above facts and circumstances and further that the delay is nearly one year, is inclined to award cost for condoning the delay in filing this Writ Appeal.

5. In the result, this Civil Miscellaneous Petition is **ordered**, subject to the condition that the petitioners/appellants jointly shall pay a sum of Rs.3,500/- (Three Thousand and Five Hundred only) to the Additional Registrar General (In-charge)/Registrar (Judicial), Madurai Bench of Madras High Court, Madurai, for purchasing necessary equipment for High Court Dispensary etc., within a period of two weeks from today and also filing of a Memo to that effect. On such filing of the Memo, if the papers are otherwise in order, the Registry shall number the appeal and list it for admission.



6. Print the names of Mr.S.Govindan, learned counsel appearing for the first respondent/writ petitioner and Mr.P.Gunasekaran, learned counsel appearing for the second respondent.

WEB COPY

sd/-
30/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SECRETARY TO GOVERNMENT,
HIGHWAYS DEPARTMENT,
SECRETARIAT,
CHENNAI-600 009.
2. THE CHIEF ENGINEER (GENERAL) .
HIGHWAYS DEPARTMENT,
CHEPAUK,
CHENNAI-600 005.

COPY TO:

THE ADDITIONAL REGISTRAR GENERAL (INCHARGE) /
REGISTRAR (JUDICIAL) ,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI .

ORDER
IN
CMP(MD) No.1736 of 2020 IN
WA(MD) SR No.6445 of 2020
Date :30/07/2020

PKN
SRS/ JC/ SAR-II/ 05.08.2020/ 3P/4C