



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.6484 of 2020
(Through Video conferencing)

S.Karunamoorthi

...Petitioner

-Vs-

1.The Secretary to Government of Tamil Nadu,
Backward Classes, Most Backward Classes and
Denotified Tribes Welfare Department,
Secretariat, Chennai - 9.

2.The Director of Backward Classes, Most Backward and
Denotified Tribes Welfare Department,
Chepauk, Chennai - 5.

3.The Joint Director,
Kallar Reclamation Department,
Madurai - 20.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondents to settle the interest at the rate of 18% p.a. on the belated payment of arrears of salary of Rs.6,15,721/- due from 30.09.1986 and arrears of surrender leave salary of Rs.44,382/- to till the date of settlement in January 2020 and also to settle the interest on the belated payment of arrears of pension of Rs.7,18,414/-, arrears of commutation of Rs.88,955/- and arrears of Gratuity of Rs.1,07,865/- from the date of retirement on 31.3.2010 till the date of settlement in February 2020 in the light of the judgment of the Hon'ble Supreme Court reported in 2000 (3) LLN 1 dated 31.1.2000.

For Petitioner : Mr.S.Govindan

For Respondents : Mrs.J.Padmavathy Devi, Spl.G.P.



ORDER

The prayer in this writ petition is for a writ of Mandamus, directing the respondents to settle the interest at the rate of 18% p.a. on the belated payment of arrears of salary of Rs.6,15,721/- due from 30.09.1986 and arrears of surrender leave salary of Rs.44,382/- to till the date of settlement in January 2020 and also to settle the interest on the belated payment of arrears of pension of Rs.7,18,414/-, arrears of commutation of Rs.88,955/- and arrears of Gratuity of Rs.1,07,865/- from the date of retirement on 31.3.2010 till the date of settlement in February 2020 in the light of the judgment of the Hon'ble Supreme Court reported in 2000 (3) LLN 1 dated 31.1.2000.

2.Heard Mr.S.Govindan, learned counsel appearing for the petitioner and Mrs.J.Padmavathy Devi, learned Special Government Pleader appearing for the respondents.

3.The petitioner having worked at a Kallar Reclamation School at Vellaiammalpuram, Theni District retired on 31.03.2010 on superannuation. Thereafter, it seems that his retirement benefits was not immediately given. Therefore, he claimed to have approached this Court and got an order, pursuant to which only, his retirement benefits i.e. Rs.14,86,382/- was given belatedly. For the said belated amount, now, the petitioner seeks for payment of interest. Therefore, he has given a representation to that effect to the respondents on 21.04.2020. Therefore, the learned counsel for the petitioner would submit that, if the said representation is directed to be considered by the respondents on merits, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

4.The learned Special Government Pleader appearing for the respondents would submit that the said representation of the petitioner dated 21.04.2020 would be considered on merits and orders would be passed within a time frame to be stipulated by this Court.

5.Considering the limited scope of the issue raised herein, this writ petition, at the admission stage, is disposed of with the following direction:

"The respondents, especially, the 1st respondent is hereby directed to consider the representation of the petitioner dated 21.04.2020 and pass orders thereon, within a period of two months on merits and in accordance with law from the date of receipt of a copy of this order."



6. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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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 of Tamil Nadu,
Backward Classes, Most Backward Classes and
Denotified Tribes Welfare Department,
Secretariat, Chennai - 9.
2. The Director of Backward Classes, Most Backward and
Denotified Tribes Welfare Department,
Chepauk, Chennai - 5.
3. The Joint Director,
Kallar Reclamation Department,
Madurai - 20.

Order made in

W.P. (MD) No. 6484 of 2020

09.07.2020

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TR(18.08.2020) 3P 4C