



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.2390 of 2015

WEB COPY

Y.Rohini

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
Nandhanam,
Chennai - 35.

2.The Executive Engineer &
Administrative Officer,
Tirunelveli Housing Unit,
Tamil Nadu Housing Board,
Tirunelveli - 627 011.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in Letter No.Pa.Tho.Nu.A.Pi.5/39386/12, dated 09.02.2015, on the file of the 2nd respondent and quash the same and further directing the respondents to pay the interest on the petitioner retirement benefits and pension from 31.03.2013 till the date of payment.

For Petitioner : Mr.G.Prabhu Rajadurai

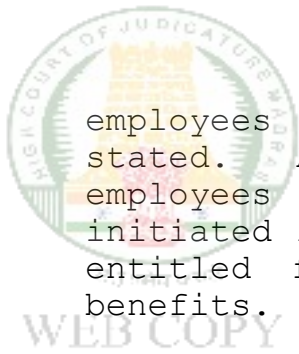
For Respondents : Mr.M.Mahaboob Athiff
(R1 and R2)

ORDER

The impugned order dated 09.02.2015, states that the petitioner has not informed the details regarding the Service Records of the two employees of the respondent Board, at the time of retirement and therefore, it is a mistake and accordingly, interest for belated settlement of terminal benefits cannot be granted. The petitioner was working as Assistant and voluntarily retired from service on 31.03.2013.

2. The learned counsel for the petitioner made a submission that no departmental disciplinary proceedings were instituted against the Writ Petitioner in respect of the mistakes now cited in the impugned order. There was no adverse remarks against the petitioner. The two misplaced files were traced out subsequently and the Board had informed the same to the petitioner also. Thus, there is no reason to deny the interest for the belated payment on terminal benefits.

3. This Court is of the considered opinion that except the reasons stated in the impugned order that two Service Records of the



employees were misplaced, there is no allegation or reasons are stated. As per the petitioner, the Service Records of the two employees were traced out and no disciplinary proceedings were initiated in this regard. This being the factum, the petitioner is entitled for interest, for the belated settlement of terminal benefits.

4. The Constitutional Court has repeatedly held that an employee is entitled to receive all the terminal and pensionary benefits on retirement. Any delay in settlement of the benefits, the employer is liable to pay interest in accordance with the Rules in force. This being the principles to be followed, this Court is of the considered opinion that the petitioner is entitled for the relief sought for in the Writ Petition.

5. Accordingly, the Writ Petition is allowed and the impugned order passed by the 2nd respondent in Letter No.Pa.Tho.Nu.A.Pi.5/39386/12, dated 09.02.2015, is quashed and the respondents are directed to pay interest, as admissible to the petitioner, in respect of the belated settlement of terminal and pensionary benefits, within a period of 12 weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1.The Managing Director,
Tamil Nadu Housing Board,
Nandhanam,
Chennai - 35.

2.The Executive Engineer &
Administrative Officer,
Tirunelveli Housing Unit,
Tamil Nadu Housing Board,
Tirunelveli - 627 011.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-23752[F] dated 02/12/2020)

W.P. (MD)No.2390 of 2015

01.12.2020

SJ(CO)

KK(08.12.2020) 2P 4C

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