

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.7535, 7538 and 7542 of 2021

W.P.No.7535 of 2021

S.Leela

... Petitioner

-vs-

1. The Chief Educational Officer,
Vellore District, Vellore.

2. The Block Educational Officer-I,
Katpadi Union, Katpadi,
Vellore District.

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to pay the interest at the rate of 12% per annum from 23.08.2019 to 21.04.2020 for the delayed payment of the amount of earned leave and unearned leave on private affairs.

W.P.No.7538 of 2021

K.Kamsala

... Petitioner

-vs-

1. The Chief Educational Officer,
Vellore District, Vellore.

2. The Block Educational Officer-I,
Katpadi Union, Katpadi,
Vellore District.

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to pay the interest at the rate of 12% per annum from 01.11.2018 to 27.12.2019 for the delayed payment of GPF amount.

W.P.No.7542 of 2021

A.Rosalind Pushpa

... Petitioner

-vs-

1. The Chief Educational Officer,
Vellore District, Vellore.
2. The Block Educational Officer-I,
Katpadi Union, Katpadi,
Vellore District.

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to pay the interest at the rate of 12% per annum from the date of the petitioner's retirement to till the date of disbursement of the pensionary benefits i.e. On 24.12.2020, for the delayed payment of the pensionary benefits.

For Petitioners : Mr.A.S.Kaizer

For Respondents : Mr.P.Raja
Govt. Advocate

C O M M O N O R D E R

As the issue involved in these cases is one and the same, they are taken up together final disposal.

2. Heard the learned counsel for the petitioners and Mr.P.Raja, learned Government Advocate for the respondents.

3. For the sake of brevity, the facts are being extracted from W.P.No.7535 of 2021, in which the petitioner has sought for a direction to the 2nd respondent to pay the interest at the rate of 12% per annum from 23.08.2019 to 21.04.2020 for the delayed payment of the amount of earned leave and unearned leave on private affairs.

3.1. In W.P.No.7535 of 2021, the petitioner was appointed as Secondary Grade Assistant Teacher on 31.10.1986 and attained the age of superannuation with effect from 31.07.2019 in the post of Middle School Headmistress. The petitioner has submitted that though all her retiral benefits were settled in time, the amount of Rs.10,91,342/- payable towards her earned leave and unearned leave on private affairs was paid only on 21.04.2020 nearly after 8 months and the said delay had occurred solely on the mistake of the 2nd respondent and therefore, the 2nd Respondent alone is liable to pay interest for the belated payment. Though the petitioner has sent a representation dated 17.02.2021 to the 2nd respondent, the 2nd respondent did not take any steps either to dispose of the representation or pay interest for the delayed payment. Hence, the petitioner, having left with no other efficacious remedy, has approached this Court by filing this Writ Petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioners'

representations are already pending with the 2nd respondent, these Writ Petitions are disposed of with the following directions:

i) A direction is issued to the 2nd respondent herein to consider the representations of the petitioners dated 17.02.2021, 15.02.2021 and 10.02.2021 respectively, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioners and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of sixty days from the date of receipt of a copy of this order;

ii) In case the petitioners are unable to appear for personal hearing, the petitioners are entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioners can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioners fail to appear or file a written submission in time, the 2nd respondent shall pass orders based on the available records and the petitioners, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioners;

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of all the representations and this order, to the respondents forthwith;

v) The 2nd respondent is directed to communicate the decision taken on the representations, to the petitioners within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioners to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioners, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioners, later on, will not take a plea that the petitioners are not aware of the order.

5. It is made clear that in case there is a delay in disbursement of the amount to the petitioners, the petitioners will have to be paid interest and the rate of interest can be decided by the respondents. No costs.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar
ar

To:

1. The Secretary to Government,
Government of Tamil Nadu,
School Education, Fort St.George,
Chennai-600 009.
2. The Director of School Education,
(Higher Secondary),
College Road, Chennai-600 006.
3. The Chief Educational Officer,
O/o.The Chief Educational Office,
District Collector Campus,
Sathuvatchaari, Vellore,
Vellore District.
4. The Block Educational Officer-I,
Katpadi Union, Katpadi,
Vellore District.

+3cc to Mr.A.S.Kaizer, Advocate SR.No.21742,21743, 21744

+1cc to Government Pleader SR.No.21433, 21436, 21435

W.P.Nos.7535, 7538 and 7542 of 2021

SSN(CO)
GMY(08/07/2021)