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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2021

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE R. VIJAYAKUMAR

W.A. No. 704 of 2020

Dr. A. Selvaraj

..Appellant

Vs.

1. C.B.M. College,
rep. by its Secretary,
Coimbatore - 641 042.
2. The Principal,
C.B.M. College,
Coimbatore - 641 042.
3. The Regional Joint Director of
Collegiate Education,
Coimbatore Region,
Coimbatore - 641 018.
4. The Treasury Officer,
Coimbatore Huzur Treasury,
Coimbatore - 641 018.
5. Accountant General,
Office of the Accountant General,
Teynampet, Chennai - 600 018.

..Respondents

Prayer: Writ Appeal as against the order dated 15.07.2020 passed in W.P. No. 3224 of 2013.

Prayer in W.P.No.3224 of 2013:

Writ Petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents to disburse all petitioners terminal benefits with 18% interest per annum.

For Appellant

:: Mr.R. Subramanian



6. Mr. G. Sankaran, learned counsel appearing for the College would submit that C.M. Ramaraj is unwell and that they need to file objections to the enquiry report.

7. We make it very clear that we are not here to conduct any enquiry and it is for the Government to take a decision after furnishing the same to the College calling for objections. In case, any adverse orders are passed against the College or the person responsible for non-disbursement of the amount within time, it is open to the aggrieved party to challenge the said decision before the appropriate forum.

8. As far as the issue regarding payment of interest on belated disbursement of terminal benefits is concerned, for which the present appeal has been preferred, undoubtedly, interest has got to be paid, but who has to pay the interest needs to be decided and the earlier Division Bench had directed to identify the person responsible for the delay. Though after the enquiry, report has been submitted, we do not want to go into those aspects in the appeal as there is no doubt that for the belated payment, interest is liable to be paid. Since a decision has got to be taken by the Government based on the enquiry report, depending upon the outcome of the decision by the Government, after hearing the College and the writ petitioner, the question as to who has to be fastened with the liability to pay the interest can also be decided.

9. The writ appeal is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Regional Joint Director of
Collegiate Education,
Coimbatore Region,
Coimbatore - 641 018.
2. The Treasury Officer,
Coimbatore Huzur Treasury,
Coimbatore - 641 018.



3. Accountant General,
Office of the Accountant General,
Teynampet, Chennai - 600 018.

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+1cc to Mr.R.Subramanian, Advocate, S.R.No.54902

+1cc to Mr.G.Sankaran, Advocate, S.R.No.55282

+1cc to the Government Pleader, S.R.No.55869

W.A. No. 704 of 2020

SSV(CO)
SU(26/11/2021)