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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.17844 of 2014

S.Swaminathan

... Petitioner

Vs

The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai - 600 108.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing to pay the interest due on the retiral benefits paid to the petitioner in pursuance to the order passed in W.P.No.16723/2011 dated 14.03.2012 within a stipulated time limit.

For Petitioner : M/s.Malarvizhi Udayakumar

For Respondent : Mr.S.K.Bose

ORDER

The relief sought for in this writ petition is to direct the respondent to pay interest on the retiral benefits paid to the petitioner belatedly in pursuance of the order of this Court dated 14.03.2012 passed in W.P.No.16723/2011 within a time limit to be stipulated by this Court.

2.According to the petitioner, while he was working as Assistant Director/Assistant Project Officer (Industries), District Rural Development Agency, Theni, he was placed under suspension on 27.05.1998, due to his involvement in a criminal case; and he reached the age of superannuation on 31.05.1998, however, he was not permitted to retire from service, due to pendency of the criminal case. Hence, he filed a writ petition in W.P.No.16723 of 2011, which, by order dated 14.03.2012, was allowed in the following terms:

"8.In view of the above, the writ petition is allowed, the impugned orders are set aside and the respondents are directed to settle all



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claim interest under part III of the Constitution relying on Articles 14, 19 and 21 of the Constitution. The submission of the learned counsel for the appellant that retiral benefits are not in the nature of 'bounty' is, in our opinion, well founded and needs no authority in support thereof."

7. Applying the aforesaid ratio decidendi, this Court, in the given facts and circumstances of the case, is inclined to direct the respondent to pay interest at applicable rate, for the belated payment of terminal benefits to the petitioner. Accordingly, this writ petition stands disposed of. The respondent shall complete the said exercise within a period of eight (8) weeks from the date of receipt of copy of this order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mtl

To

The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai - 600 108.

+1cc to M/s.Malarvizhi Udayakumar, Advocate, S.R.No.20993

W.P.No.17844 of 2014

SKY (CO)
HS (15/07/2021)