



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

WEB COPY

W.A. [MD]No.186 of 2021

A.Lingappan

: Appellant/Petitioner

Vs.

1.G.Venkatasamy Naidu College,  
Represented by its Secretary,  
Kovilpatti - 628 502,  
Thoothukudi District.

2.The Principal,  
G.Venkatasamy Naidu College,  
Kovilpatti - 628 502,  
Thoothukudi District.

3.The Regional Joint Director of  
Collegiate Education,  
Tirunelveli Region,  
Tirunelveli - 627 001.

4.The Assistant Treasury Officer,  
Kovilpatti Sub Treasury,  
Kovilpatti - 628 501,  
Thoothukudi District.

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

: Respondents/Respondents

**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 17.12.2020, in W.P.[MD]No.2248 of 2015 and allow this Writ Appeal.

Prayer in WP(MD). 2248/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1st and 2nd respondents to issue No Due Certificate to the 3rd Respondent and consequently direct the 3rd respondent herein to disburse the terminal, pension and other benefits of the petitioner with 18% interest per annum

For Appellant : Mr.M.Saravanan

For Respondents 1 & 2 : Mr.A.Sivaji



For Respondents 3& 4 : No appearance  
For Respondent No.5 : Mr.P.Gunasekaran

**JUDGMENT**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.M.Saravanan, learned Counsel appearing for the appellant, Mr.A.Sivaji, learned Counsel appearing for respondents 1 & 2 and Mr.P.Gunasekaran, learned Counsel appearing for the fifth respondent.

2.This Writ Appeal by the writ petitioner is directed against the order dated 17.12.2020, in W.P.[MD]No.2248 of 2015.

3.The said writ petition was filed for issuance of Writ of Mandamus, to direct the first and second respondents to issue "No Due Certificate" to the third respondent and for a consequential direction to the third respondent therein to disburse the terminal, pension and other benefits of the petitioner with 18% interest.

4.There was no adjudication on the merits of the case, since the respondent management took the stand that the dues have been settled. Consequently, the writ Court dismissed the writ petition as infructuous. The appellant is before us stating that the writ petition has not become infructuous, as the claim for interest has not been decided by the learned Writ Court and in the memorandum of grounds of appeal, the delay in respect of settlement of gratuity, EL & UEL Final Surrender is mentioned as follows:

| <b>Terminal Benefits</b>       | <b>Due Date</b> | <b>Date of Realization</b> | <b>Amount Due (Rs)</b>    | <b>Delay Year/Month</b> |
|--------------------------------|-----------------|----------------------------|---------------------------|-------------------------|
| Gratuity                       | 01.05.2013      | 16.09.2016                 | 10,000,00.00              | 3 years<br>5 months     |
| EL & UEL<br>Final<br>Surrender | 01.05.2013      | 02.01.2017                 | 9,58,577.00               | 3 years<br>8 months     |
| CVP                            | 01.05.2013      | 07.09.2015                 | 9,79,207.00               | 2 years<br>5 months     |
| Pension                        | 01.05.2013      | 07.09.2015                 | 52,521.00 to<br>62,162.00 | 2 years<br>5 months     |

5.In the light of the said stand, we are of the view that the writ petition should be heard and decided on merits and it has not become infructuous. Therefore, the Writ Appeal is allowed, the order passed in the Writ Petition is set aside and the Writ Petition is restored to the file of the learned Single Bench. Registry is directed to list the Writ Petition before the learned Single Bench in the week commencing 12<sup>th</sup> July, 2021. We request the learned



Single Bench to hear the Writ Petition at the earliest convenience since the Writ Petition was filed in the year 2015.

6.Mr.A.Sivaji, learned Counsel appearing for respondents 1 and 2 submitted that counter affidavit has been filed. However, we find that no counter affidavit was filed in the Writ Petition and it appears that counter has been filed in the Writ Appeal and it has been placed in the Draft Box, today. Liberty is granted to the Management to file counter in the Writ Petition.

7.Accordingly, the Writ Appeal stands allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

**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 Regional Joint Director of  
Collegiate Education,  
Tirunelveli Region,  
Tirunelveli - 627 001.
- 2.The Assistant Treasury Officer,  
Kovilpatti Sub Treasury,  
Kovilpatti - 628 501,  
Thoothukudi District.
- 3.The Accountant General,  
Office of the Accountant General,  
Teynampet,  
Chennai - 600 018.

Copy to

The Section Officer,  
Writ Section,  
Madurai Bench of Madras High Court,



+1 CC to M/s.R.SUBRAMANIAN, Advocate ( SR-19414[F] dated  
16/06/2021 )

+1 CC to M/s.A.SIVAJI, Advocate ( SR-19436[F] dated  
17/06/2021 )

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