



WEB COPY

WA.[MD]No.1053 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.1053 of 2021

and

C.M.P.[MD]No.4736 of 2021

The Assistant Director,  
Handloom Textiles,  
Panchavarna Kovil Street,  
Uraiyur, Trichy,  
Trichy District.

... Appellant / Respondent

Vs.

D.Arumugam

... Respondent / Writ Petitioner

**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 20.11.2018 in W.P.(MD)No.4608 of 2014 on the file of this Court and allow this Writ Appeal.

Prayer in WP(MD). 4608/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the respondent in Na.Ka.NO. 940/2013/D dated 13.06.2013 and quash the same and consequently direct the respondent to pay the old age pension to the petitioner and pass such further or other orders.

For Appellant : Mr.R.Baskaran  
Standing Counsel for Government

For Respondent : Mr.C.Vakeeswaran

### JUDGMENT

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

We have heard Mr.R.Baskaran, learned Standing Counsel for the Government appearing for the appellant and Mr.C.Vakeeswaran, learned Counsel appearing for the respondent / writ petitioner.

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2. With the consent on either side, the writ appeal itself is taken up for final disposal.

3. This writ appeal is against the order and direction issued in W.P.(MD)No.4608 of 2014 dated 20.11.2018, in and by which, the learned Writ Court allowed the writ petition and directed the appellant to calculate the pension and to pay the arrears to the respondent/ writ petitioner with 7.5% interest, within a time frame. The appellant did not comply with the order and therefore, the respondent filed a contempt petition before the learned Single Judge.

4. When the contempt petition was being heard, the appellant paid the arrears of pension. However, there appears to be some dispute regarding the calculation, which the respondent / writ petitioner has graciously waived. Before us, Mr.C.Vakeeswaran, learned counsel for the respondent, on instructions, submitted that his client is also willing to forgo the interest, which was directed to be paid, because he wants to lead a peaceful retired life. This submission is made, though the learned Writ Court has issued a notice in the contempt petition as to why interest has not been paid. On notice being issued, the appellant has come forward with this writ appeal with a delay of 402 days.

5. Thus considering all these aspects and taking note of the fair stand taken by the respondent, this writ appeal stands disposed of by recording that there are no more claims made by the respondent / writ petitioner against the appellant-department. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

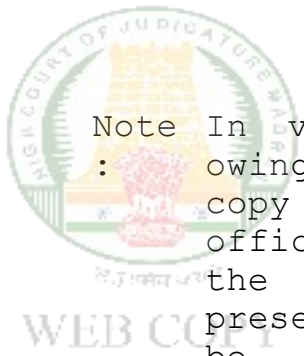
Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar (CS)

RM/rmi



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.

**JUDGMENT MADE IN**  
**W.A. [MD]No.1053 of 2021**  
**02.06.2021**

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KM(14.06.2021) 3P 1C