



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.8439 of 2021

T.Thiagarajan

... Petitioner

vs.

1.The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.

2.The Chief Educational Officer,
Collectorate Complex,
Sivagangai.

3.The Headmistress,
M.V.Government Higher Secondary School,
Karaikudi - 630 001,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent ie., the Principal Secretary to Government, School Education Department, Chennai, to pass appropriate orders on the petitioner's representation dated 30.01.2021 by sanctioning interest for belated payment of DCRG, Pension and General Provident Fund from the date of death of the petitioner's wife M.Jeyapathi till the date of actual payment within a time frame fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For RR 1 to 3 : Mr.N.Shanmugaselvam
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the first respondent to pass orders on the petitioner's representation, dated 30.01.2021, by sanctioning interest for belated payment of DCRG, Pension and General Provident Fund, from the date of death of the petitioner's wife M.Jeyapathi till the date of actual payment, within a time frame to be fixed by this Court.

2.Mr.N.Shanmugaselvam, learned Additional Government Pleader accepts notice on behalf of the respondents.



3.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5.According to the petitioner, his wife-M.Jeyapathi while serving as Post Graduate Assistant in M.V.Government Higher Secondary School, Karaikudi, Sivagangai District, died on 06.03.2020. Hence, the petitioner submitted an application on 25.03.2020 to the third respondent for payment of retirement benefits of his wife-Jeyapathi, enclosing all the necessary certificates. In spite of repeated representations to all the respondents, retirement benefits of his wife was granted only after a direction issued by this Court, in W.P(MD)No.9391 of 2020, by order dated 17.08.2020.

6.Further, according to the petitioner, he is entitled for interest for the belated payment of DCRG as per Rule 45(A) of the Tamil Nadu Pension Rules, 1978 and the petitioner is also entitled for interest for the belated payment of pension and General Provident Fund. The petitioner sent a representation to the respondents on 30.01.2021 for payment of interest for the belated payment of DCRG, Pension and General Provident Fund from the date of death of his wife till the date of actual payment. Since the same has not been considered, the petitioner has come out with the present Writ Petition.

7.The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the second respondent received the records from the third respondent belatedly. Due to non-furnishing of the details of the employee, the retirement benefits was not paid in time but immediately on receiving the particulars from the third respondent, the second respondent paid the entire retirement benefits on 26.02.2021 and hence, the petitioner is not entitled to any interest as claimed in the Writ Petition.

8.Considering the above rival submissions made on either side, without deciding the issue on merits, the first respondent is directed to consider the representation of the petitioner, dated 30.01.2021, and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



9. With the above direction, the Writ Petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar(Writs)

/ /2021

Sub Assistant Registrar(CS)

ps

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 Principal Secretary to Government,
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Chennai - 600 009.
2. The Chief Educational Officer,
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Sivagangai.
3. The Headmistress,
M.V. Government Higher Secondary School,
Karaikudi - 630 001,
Sivagangai District.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-17465[F] dated 26/04/2021)

+1 CC to M/s.SPL GP (SR-17773[F] dated 27/04/2021)

**W.P(MD)No.8439 of 2021
26.04.2021**

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TR(19.05.2021) 3P 6C