



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2021

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

W.P. (MD)No.16899 of 2016

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S.Suriya Narayanan

... Petitioner

Vs.

1.The Joint Director of Collegiate Education,
Madurai Region, Madurai.

2.Saraswathy Narayanan College,
Rep by its Secretary,
Perungudi,
Madurai-625 022.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay interest at 18% to the petitioner on the belated payment of gratuity and other terminal benefits for the period from 01.08.2008 to 17.01.2016.

For Petitioner : Mr.M.Saravanan

For R 1 : Mr.D.Muruganantham
Additional Government Pleader

For R2 : Mr.Mahaboob Athiff
for M/s.Ajmal Associates

O R D E R

This writ petition is filed for a direction to the respondents to pay interest at 18% to the petitioner, on the belated payment of gratuity and other terminal benefits, for the period from 01.08.2008 to 17.01.2016.

2.The case of the petitioner is that he was retired from service on 31.07.2008 as Principal from the second respondent College, which is an aided institution. Though the petitioner was retired from service in the year 2008, his pension was disbursed only in the year 2011. However, the petitioner did not receive the



Gratuity, encashment of leave on private affairs, Earned Leave Surrenders and Special Provident Fund. Hence, the petitioner has filed a writ petition in W.P.No.15358 of 2013 to disburse the terminal benefits. This Court, by its order, dated 19.08.2013, directed the second respondent to send a proposal for DCRG to the Sub Treasury, Madurai. Against which, the second respondent has filed a writ appeal in W.A.No.2295 of 2013. The said writ appeal was dismissed on 12.12.2013. Even after passing of an order by this Court, there was no compliance. Hence, the petitioner had filed a contempt petition in Cont.P(MD)No.390 of 2015, wherein, a statutory notice was issued. Pursuant to which, the second respondent undertook to comply with the direction and consequently, the benefits were received by the petitioner on 18.01.2016. Though the petitioner was retired from service in the year 2008, he received the terminal benefits only in the year 2016. Therefore, the petitioner, entitled for interest on the belated payment, has made a representation, dated 30.03.2016 to the respondents. So far, no order has been passed. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that this Court on 19.08.2013 issued a direction to the respondents to pay terminal benefits including the gratuity. Even after passing of an order by this Court, the amount was not disbursed. Therefore, the petitioner has filed a Writ Petition and the said writ petition was disposed of, on 19.08.2013 with a direction to the second respondent to send a proposal for DCRG to the Sub Treasury, Madurai. However, till date, the benefit was not settled in favour of the petitioner. Hence, the petitioner seeks interest on the belated payment.

4.The learned Government Advocate appearing for the respondents submitted that due to the dispute between the petitioner and the Management, the pension proposal was sent to the authorities only after filing of contempt petition.

5.The facts in the present case are not in dispute. Admittedly, the petitioner has filed a writ petition for a direction to the respondents to pay 18% of interest to him, on the belated payment of gratuity and other terminal benefits. It is true that the petitioner is entitled to get interest on the belated payment as per the Statute. However, in the present case, on an earlier occasion, the very same petitioner has approached this Court for the very same relief, wherein, this Court did not order for any payment of interest for the above said benefits and the same was confirmed by the Division Bench of this Court. Thereafter, the terminal benefits were settled in favour of the petitioner. Again, the petitioner has filed the present writ petition for the very same relief. Further, it appears that the pension proposal has been sent only after the filing of the contempt petition. Hence, the petitioner cannot attribute any reason for the belated payment against the Official
secrecy not in his service, the prayer sought for in the writ petition is



misconceived. Accordingly, this Writ Petition is dismissed. No costs. However, liberty is granted to the petitioner to work out his remedy before the competent civil forum.

Sd/-

Assistant Registrar (Records)

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/ /2021

Sub Assistant Registrar(CS)

To

1.The Joint Director of Collegiate Education,
Madurai Region, Madurai.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-7818[F] dated 01/03/2021)

+1 CC to M/s.SPL GP (SR-7851[F] dated 01/03/2021)

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