



WEB COPY



W.P.No.4476 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.4476 of 2022

Mohammed Junaid

... Petitioner

Vs

1. The State of Tamil Nadu
rep. by its Secretary to Government,
Health Department,
Fort St. George, Chennai – 600 009.
 2. The Director of Indian Medicine and Homeopathy,
Arumbakkam, Chennai – 600 106.
 3. The Principal,
Government Unani Medical College,
Arumbakkam, Chennai – 600 106.
 4. The Accountant General [A & E],
Tamil Nadu, Teynampet, Chennai – 600 018.
[R4 sou motu impleaded vide Order dt. 13.03.2023
made in W.P.No.4476 of 2023 by PDAJ]
- ... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to settle the



W.P.No.4476 of 2022

petitioner's father's terminal benefits such as DCRG, Earned Leave, encashment and pensionary benefits with 12% interest for belated payment.

For petitioner : Mr.A.K.Ravi

For Respondents : Mr.M.Alagu Gowtham
Government Advocate – R1 to R3

Mrs.Hema Muralikrishnan – R4

ORDER

This Writ Petition has been filed to direct the respondents to settle the petitioner's father's terminal benefits such as DCRG, Earned Leave, encashment and pensionary benefits with 2% interest for belated payment.

2. The grievance of the petitioner is that terminal benefits have been settled belatedly and therefore, he is entitled for interest for belated payment of terminal benefits of the father of the petitioner. Besides, the family pension for 13 months has not been disbursed to the mother of the petitioner. Hence, the present Writ Petition.



W.P.No.4476 of 2022

3. Whereas, it is the contention of the learned counsel for the respondents that no application for family pension has been made by the wife of the deceased Government servant.

4. In such view of the matter, as no materials have been placed before this Court to show that the mother of the petitioner has made an application for family pension and merely on the basis of the affidavit filed by the son of the Government servant at a later stage after the processing of terminal benefits has been commenced, it cannot be inferred that there was an application filed for family pension. Hence, issuance of family pension does not arise. However, considering the fact that the terminal benefits have been belatedly settled, the respondents are directed to pay interest at the rate of 4% for the delayed payment of terminal benefits to the petitioner.

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

13.09.2023



W.P.No.4476 of 2022

Index: Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Secretary to Government,
Health Department,
Fort St. George, Chennai – 600 009.
2. The Director of Indian Medicine and Homeopathy,
Arumbakkam, Chennai – 600 106.
3. The Principal,
Government Unani Medical College,
Arumbakkam, Chennai – 600 106.
4. The Accountant General [A & E],
Tamil Nadu, Teynampet, Chennai – 600 018.



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W.P.No.4476 of 2022

N.SATHISH KUMAR, J.

VTC

WP.No.4476 of 2022

13.09.2023