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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.06.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9582 of 2015

and

WMP.No.4013 of 2022

S.Selvaraj

... Petitioner

Vs.

1. Tamil Nadu Housing Board,
Rep.by its Managing Director,
Anna Salai, Nandanam,
Chennai - 600 035.
2. The Secretary and Personnel Officer,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
3. Executive Engineer and Administrative
Officer,
Tirunelveli Housing Unit,
Tirunelveli.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Mandamus directing the respondents to settle petitioner's all the terminal benefits like pensionary benefits including commutation and DCRG along with interest at 9% per annum within a time frame.

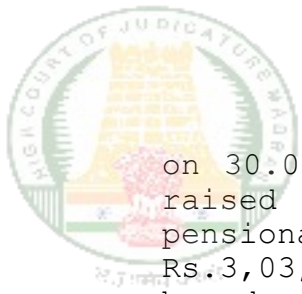
For Petitioner : Mr.K.M.Ramesh

For Respondent : Mr.D.Veerasekaran
Nos.1 to 3 Standing counsel (for TNEB)

O R D E R

The relief sought for in the present writ petition is to direct the respondents to settle petitioner's all the terminal benefits and the pensionary benefits including commutation and DCRG along with interest.

2.The petitioner was working as Executive Engineer/Administrative Officer in the Tamil Nadu Housing Board and retired from service on attaining the age of Superannuation



on 30.04.2013. At the time of retirement, the respondents board raised an objection regarding the settlement of terminal and pensionary benefits as the petitioner was liable to pay a sum of Rs.3,03,249/- to the board towards certain financial loss to the board. Thus, there was a delay in settling the terminal and pensionary benefits due to the petitioner in accordance with the rules in force. The petitioner made a representation to the authorities, which was not considered and the present writ petition is filed seeking the relief of settlement of terminal benefits along with the interest.

3. During the pendency of the writ petition, this Court passed an interim order, dated 24.04.2022, directing the respondents to release all the retiral benefits by withholding the disputed sum of Rs.3,03,249/-. In compliance with the said interim order, the respondents had settled the terminal and pensionary benefits due to the writ petitioner by withholding the disputed sum of Rs.3,03,249/-.

4. The learned counsel for the petitioner reiterated that the settlement is now made belated after a lapse of about 9 years and the petitioner is entitled for interest as per the rules in force. In respect of the amount already settled, the respondents board has to pay interest as per rules, which is yet to be considered. The writ petitioner has already submitted a calculation sheet claiming interest and that is to be considered and accordingly, the eligible interest amount due to the petitioner is to be settled.

5. The learned counsel for the respondents raised an objection regarding the disputed sum of Rs.3,03,249/-. In the event of release of the said amount, the financial loss caused to the board cannot be compensated. Therefore, the said amount cannot be disbursed in favour of the writ petitioner.

6. The learned counsel for the petitioner had given an undertaking before this Court that the petitioner would not claim the disputed sum of Rs.3,03,249/-, which is withheld to compensate the financial loss occurred to the respondents board. While giving an undertaking, the learned counsel for the petitioner has made a submission that the interest amount for the belated settlement of benefits have to be settled by the respondents.

7. In view of the undertaking given by the writ petitioner that the petitioner would not claim the disputed amount of Rs.3,03,249/-, this Court is inclined to grant the relief to settle the interest for the belated settlement of terminal and pensionary benefits to the petitioner.



8. With reference to the disputed amount, the respondents shall go into the details regarding the financial loss and take a decision. If at all the petitioner would prefer to submit any representation, he is at liberty to do so.

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9. In view of the facts and circumstances, the respondents are directed to settle the interest for the belated settlement of terminal and pensionary benefits as per the rules in force by verifying the calculation sheet submitted by the writ petitioner. The said exercise is directed to be done by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

10. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

sms/sli

To

1. The Managing Director, Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
2. The Secretary and Personnel Officer,
Tamil Nadu Housing Board,
Anna Salai, Nandanam,
Chennai - 600 035.
3. Executive Engineer and Administrative
Officer,
Tirunelveli Housing Unit,
Tirunelveli.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.32962
+1cc to Mr.K.M.Ramesh, Advocate, S.R.No.32968

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RSI (CO)
CT/20/06/2022