



W.P.(MD) No.5482 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.5482 of 2020

and

W.M.P.(MD) No.4784 of 2020

K.Sasikala

... Petitioner

-VS-

- 1.The State of Tamil Nadu
Rep. By its Secretary
Department of School Education
Fort St. George, Chennai 600 009.
- 2.The Accountant General
Office of the Accountant General
261 Anna Salai, Chennai.
- 3.The Director of School Education,
College Road, Chennai 600 006.
- 4.The Joint Director of school Education
National Services Scheme
College Road, Chennai.
- 5.The Chief Educational Officer,
Nagercoil, Kanyakumari District



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6. The District Educational Officer,
Thuckalay, Kanyakumari District

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to sanction and disburse forthwith the pension and all other retirement benefits admissible to the petitioner w.e.f. 01.06.2014 with 12% interest for belated payment together with the salary for the period of suspension from 07.08.2009 to 21.09.2009 and arrears of reduced increment by considering the representation dated 17.10.2019, within a reasonable time as may be stipulated by this Court.

For Petitioner : Mr.Ragatheeshkumar for
M/s.Isaac Chambers

For Respondents : Mr.S.Saji Bino for R1, R3 to R6
Special Government Pleader
Mr.P.Gunasekaran for R2

ORDER

This writ petition has been filed for a direction to the respondents to sanction and disburse forthwith the pension and all other retirement benefits admissible to the petitioner w.e.f. 01.06.2014 with 12% interest for belated payment together with the salary for the period of suspension from



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07.08.2009 to 21.09.2009 and arrears of reduced increment by considering the representation dated 17.10.2019.

2.The case of the petitioner is that initially the petitioner was appointed as PG Assistant on 11.08.1980. Subsequently, the petitioner was working as Headmistress in various schools and retired on 31.05.2014. It is the further case of the petitioner that due to some dispute between the teachers, students and the petitioner herein, the petitioner was placed under suspension from 07.08.2009 to 21.09.2009 vide order dated 06.08.2009 and the order of suspension was revoked on 16.09.2009. A charge memo was issued and after conducting, enquiry report was filed on 11.11.2010. Pursuant to the enquiry report, a punishment was imposed on the petitioner for stoppage of increment for one year with cumulative effect. Subsequently, a writ petition came to be filed in WP(MD) No.17558/2012 and the said writ petition was allowed on 25.07.2019 and entire punishment was set aside. It is her case that though the suspension has been revoked and the complaint against the petitioner was withdrawn, the salary and other benefits for the said period have not been paid. Therefore, seeking salary



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and other benefits for the period of suspension, the petitioner is before this Court.

3.The learned counsel for the petitioner would submit that though the petitioner is entitled for the said benefits, even after punishment was set aside and the petitioner attained the age of superannuation as early as on 31.05.2014, the benefits such as pension, commutation, gratuity, surrender leave and increments have not been disbursed. Therefore, the petitioner sent representations. However, since the same were not considered, a direction may be issued to the respondents.

4.The learned Special Government Pleader would submit that though the petitioner is not entitled for interest for other benefits except provident fund, as per Rule 45A of the Pension Rules, the petitioner is entitled for interest. On instructions, he would submit that the proposal was received by the respondents on 20.07.2021 and the terminal benefits have been disbursed as early as on 01.08.2021 and hence, nothing survives in this writ petition.



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5. In view of the above submission, the prayer in the writ petition has become infructuous. However, the petitioner is entitled for interest with regard to gratuity in terms of Rule 45(A) of the Tamil Nadu Pension Rules, 1978. Therefore, the respondents are directed to pay interest for the delayed payment of gratuity within a period of six weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

08.12.2022

Index : Yes/No
Internet : Yes

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M.DHANDAPANI, J.

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