



W.P.No.20438 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20438 of 2012

A.Alavak Goundan

...Petitioner

-Vs-

1. The Director of Town Panchayats,
Kuralagam, Chennai.

2. The District Collector,
Salem District,
Salem.

3. The Executive Officer,
Sankagiri Town Panchayat,
Sankagiri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to pay interest for the belated payments of Pension and other terminal benefits viz., Pension, Death cum Retirement Gratuity, Commuted Value of Pension, Encashment of Earned Leave, Leave Surrender Salary, Special Provident Fund, GPF, third installment of pay commission arrears and payment of revised terminal benefits due to grant of Special Grade, and on the belated repayment of unilateral deductions made from the salary for the month of October and November 2007, at the rate of 12% per



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annum from the date of entitlement till the actual payment is made.

For Petitioner : Mr.V.Vijay Shankar
For Respondents : Mr.T.M.Rajangam
Government Advocate

ORDER

The writ petitions has been filed for direction to direct the respondent to pay interest for the belated payments of Pension and other terminal benefits.

2. The petitioner had joined service as Bill collector on 13.06.1967. Subsequently, he was promoted to the post of Junior Assistant on 23.04.1983. Thereafter, he was retired from service due to attainment of superannuation on 30.11.2007. Though the petitioner was permitted to retire from his service, there was a delay in granting pension, gratuity and other terminal benefits. Hence, the petitioner filed the present writ petition with the above said prayer.

3. Heard the learned counsel appearing on either side and perused the materials places before this Court.

4. It is seen that at the time of retirement, due to the dispute between the petitioner and the Executive Officer one Sadayapan, the petitioner failed to receive the order of retirement, though he was permitted to retire on 30.11.2007. In fact, the order of retirement fixed in



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presence of his wife at his residence. Therefore, there was a delay in sending the papers to get the pensionary benefits and other terminal benefits. Thereafter, on 24.04.2008, the petitioner's pensionary benefit was cleared and he was paid all the terminal benefits. Therefore, the delay was not due to any administrative reasons and only on the fault of the petitioner. Hence, he is not entitled for any interest for the belated payment.

5. That apart, the petitioner died on 09.09.2014. However, after demise of the petitioner, his legal representatives did not even file any application to implead themselves in the present writ petition. Therefore, the prayer sought for in this writ petition cannot be granted and liable to be dismissed. Accordingly, the writ petition stands dismissed as abated. There shall be no order as to cost.

29.08.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J.

rts

To

1. The Director of Town Panchayats,
Kuralagam, Chennai.
2. The District Collector,
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Salem.
3. The Executive Officer,
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