



WEB COPY

W.P.No.4814 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4814 of 2020

Dr.B.Rajendran

... Petitioner

Vs.

- 1.Regional Joint Director of Animal Husbandry,
5/234, Teachers Colony,
Mohanur Road,
Namakkal – 637 001.
- 2.Administrative Officer,
Regional Joint Director of Animal Husbandry Office,
Namakkal – 637 001.
- 3.'B' Section Assistant,
Regional Joint Director of Animal Husbandry Office,
Namakkal – 637 001.
- 4.Director of Animal Husbandry and Veterinary Services,
Directorate of Animal Husbandry,
Integrated Animal Husbandry
and Fisheries Dept. Buildings,
Veterinary Poly Clinic Campus,
571, Anna Salai,
Nandanam,
Chennai – 600 035.



5. Mr. V.P. Ponnuvel, B.V. SC.

S/o. S. Perumal Regional Joint Director of Animal Husbandry,
Namakkal Region, Collectorate Campus,
Nallipalayam Post, Namakkal 637 003.

... Respondents

[R5 impleaded as per order dated 19.10.2023 in
WMP.No.16156 of 2021 in WP.No.4814 of 2023]

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to pay the 8.0% interest as per G.O.No.334 dated 24.10.2019 for his failure part of the disbursement of the Pension Amount and Commutation of Pension Amount of Rs.21,78,756/- and delay in sanction and payment of Special Provident Fund Amount of Rs.21,782/-. And also to pay compensation of Rs.5,00,000/- to the petitioner for denied to provide NOC in a stipulated time and for giving mental agony not only for petitioner and also petitioner whole family and also to initiate the department proceedings against the 1st respondent.

For Petitioner : Mr. G. Murugendran

For Respondents : Mr. T. Arun Kumar
Additional Government Pleader

ORDER

When the matter is taken up today, the learned counsel for the petitioner admitted that the receipt of the other amount of retirement benefits that has been mentioned in the counter affidavit of the 1st respondent in



paragraph 4 are received. However, it is contended by the petitioner that he retired on 31.05.2019 and his commutation has been settled only on 31.12.2019.

2. It is further stated that the petitioner has not given with pension until 31.12.2019 and hence, it is claimed by the petitioner that he is entitled to get the interest on his commutation and the pension which was paid after a delay of at least 6 months.

3. However, the learned Additional Government Pleader appearing on behalf of the respondents submitted that for releasing DCRG, the petitioner has to furnish No Objection Certificate (NOC). Since the petitioner could furnish the No Objection Certificate only on 20.11.2019, the DCRG got settled only on 25.07.2019 and accordingly, the petitioner has been sanctioned with the pension. According to the 1st respondent / Regional Joint Director of Animal Husbandry, the petitioner is obligated to furnish the NOC by complying the essential instructions issued by the Department.

4. The petitioner cannot have any control over the issuance of the NOC, since the respondents have delayed the NOC.



5. However, it is contended by the Additional Government Pleader for the respondents that the NOC for the petitioner cannot be issued because he failed to pay Rs.5209/-. The petitioner had to pay Rs.5209/-, which would represent the overdrawn allowance and the charges towards the wastage of materials.

6. Therefore, the petitioner had made these payments only on 20.11.2019 otherwise there will not be any delay. Since the petitioner had also got the role in getting the NOC at the earliest and he had chosen to pay the dues to be paid by him to the tune of Rs.5209/- only on 20.11.2019. Therefore, the NOC could be issued only after making the above payment. Since rest of the payment with regard to the DCRG has been settled within one month i.e. on 31.12.2019, the petitioner cannot raise any dispute about the alleged delay.



7. In result, this Writ Petition stands dismissed. No costs.

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29.11.2023

Jeni

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

To

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