



W.P.No.29641 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29641 of 2023
and W.M.P.No.29254 of 2023

C. Ezra

... Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.

2.The Assistant Commissioner, (AC Gap)
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.

3.The Revenue Officer,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.

4.The Zonal Officer,
Zone-6,
Greater Chennai Corporation,
Chennai – 600 012.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to disburse the retirement benefits of the petitioner with 24% interest per annum.

For Petitioner : Mr.N. Beulah John Selvaraj

For Respondents : Mr.S. Gopinath,
Standing Counsel

ORDER

Heard the learned counsel for the petitioner, as well as the learned standing counsel for the respondents.

2. On 29.06.2022, the petitioner was promoted to the post of Assistant Revenue Officer by the first respondent herein. Thereafter, he was superannuated from service on 30.06.2022. According to the petitioner, the Zonal Officer of Zone-6, had sent a report dated 09.12.2022, stating that there were no dues pending against the



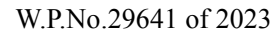
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petitioner. Though, the petitioner was permitted to retire on 30.06.2022, his retirement benefits have not been settled till date, which had prompted in filing of this Writ Petition.

3. The learned counsel for the petitioner has also produced a copy of the proceedings of the Zonal Officer of Zone-6 dated 27.01.2023, which reveals that all the audit objections have been cleared. Even assuming that there are other audit objections pending, the same cannot be now recovered since the respondents have already permitted the petitioner to retire from service.

4. It is needless to point out that if any recovery has to be made, the same ought to have been done during the time when the petitioner was in service and not otherwise. As such, withholding the retirement benefits of the petitioner which includes the gratuity amount, would be illegal and hence, the petitioner would be entitled for interest on the belated payment of retirement benefits.



6. With the above direction, the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

30.10.2023

Neutral Citation: Yes/No

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Note: Issue Order Copy on 31.10.2023



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To

- 1.The Commissioner,
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Ripon Building,
Chennai – 600 003.
- 2.The Assistant Commissioner, (AC Gap)
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
- 3.The Revenue Officer,
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M.S.RAMESH,J.

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