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W.P.No.22954 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.22954 of 2017

M.G.Ramadoss

.. Petitioner

VS

- 1.The Secretary
Rep to State of Tamil Nadu
Finance (Pension Department),
Fort St.George,
Chennai – 09.
- 2.The Director of Co-Operative Audit,
Kamarajar Salai,
Chennai – 09.
- 3.The Accountant General
Cooperative Societies,
2nd Floor, 521, Anna Salai,
Nandanam, Chennai – 35.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct respondents 1 and 2 to pay DCRG taking into account of petitioner's last drawn salary and to provide interest at the rate of 12% to the DCRG from the date of retirement to till the payment of entire DCRG as per G.O.Ms.No.122 dated 20.02.1995 considering the representation of petitioner dated 07.07.2017.



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For Petitioner : No appearance
For Respondents : Mr.S.Ravi Kumar
Special Government Pleader
for R1 and R2
Mr.S.Balaji for R3

ORDER

Writ petition has been filed in the nature of a mandamus seeking a direction to the respondent nos. 1 and 2 to pay DCRG taking into account the last drawn salary of the petitioner and grant 12% interest on the DCRG from the date of said retirement, till payment of DCRG in accordance with G.O.(Ms).No.122 dated 20.02.1995. The petitioner had given the representation dated 07.07.2017.

2. The petitioner had been originally appointed as Junior Inspector of Co-operative Societies through Employment Exchange on 07.02.1977. Thereafter, on 16.10.1989, his services were regularized. He retired on attaining the age of superannuation on 31.08.2011.

3. He earlier filed W.P.No.14843 of 2011 seeking payment of all pensionary benefits. This grievance was directed to be



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examined by order dated 18.08.2011. Thereafter, a notice had been issued for recovery of money from the pension stating that it had wrongly sanctioned increment to the petitioner. The petitioner then filed another W.P.No.27817 of 2011, wherein the impugned order seeking recovery was set aside and fresh pension proposal was directed to be issued by the respondents. Thereafter, the respondents had disbursed the DCRG benefits to the petitioner herein in instalments. On 19.05.2016, a sum of Rs.93,852/- was paid and on 24.05.2016, a sum of Rs.1,89,354/- was paid. It is stated in the affidavit that on 28.12.2015, a sum of Rs.1,68,014/- had been paid.

4. It is therefore stated on behalf of the respondents that the order in W.P.No.27817 of 2011 was passed on 07.04.2014 and thereafter the authorised payment of DCRG on 24.11.2015. It had been stated that the pension proposals were forwarded to the Accountant General on 16.05.2015. The earlier authorisation expired without encashment and, therefore, revalidation order was issued on 02.05.2016.

5. The reasons are plausible and the learned counsel for the petitioner is also absent.



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6. I am not inclined to grant interest on DCRG, since the the entire amount had already been paid.

7. Writ petition stands dismissed. No costs.

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Index:Yes/No
Neutral Citation:Yes/No
ssm

To

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C.V.KARTHIKEYAN,J.

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