



W.P.No.24786 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 11.10.2023

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.24786 of 2017

R.Selvakumar

... Petitioner

- Vs -

1.The Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of Collegiate Education,
College Road, Chennai-600 006.

3.The Joint Director of Collegiate Education,
Dharmapuri Region,
Dharmapuri-638 705.

4. The Joint Director of Collegiate Education,
Coimbatore Region, Coimbatore-641 018.

5.The Secretary,
J.K.K.Nataraja Arts & Science College,
Kumarapalayam-638 183.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India



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praying to issue Writ of Mandamus directing the 1st respondent to pay interest to the petitioner for the belated payment of DCRG and terminal benefits.

For Petitioner : Mr.Mr.G.Muthupandian

For Respondents : Mr.K.H.Ravikumar
Government Advocate [R1 to R4]
R5 – No Appearance

ORDER

The petitioner seeks to issue Writ of Mandamus directing the 1st respondent to pay interest to the petitioner for the belated payment of DCRG and terminal benefits.

2. The petitioner had joined in service as Office Assistant on 10.03.1983 in the 5th respondent College. Subsequently he as appointed as Labouratory Assistant and retired from service on attaining age of super annuation on 31.10.2014. He gave application on 01.09.2014 to the 5th Respondent College to sanction his terminal benefits. The 3rd respondent by order dated 07.08.2015 sanctioned pension and other terminal benefits and forwarded the proposals to the Accountant General. On receipt of the same,



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the Accountant General sanctioned pension to the petitioner on 28.10.2015 and payment of pension and DCRG was made on 07.12.2015 after a delay of one year and three months from the date of retirement.

3. Even though pension and DCRG was paid to the petitioner, payments relating to earned leave, earned leave encashment, 3% increase of pay, 3% arrears of increase increase of pay and revised scale of pay was not paid. Hence, he gave representation on 28.06.2016. Since no order was passed on the representation, He filed W.P.No.40406 of 2016 before this Court, This Court by an order dated 17.11.2016 directed the 1st respondent to consider the representation dated 28.06.2016 and to pass appropriate order on merits and in accordance with law and also based on the R.C.No.001714/B2/2015 dated 07.08.2015 within a period of four weeks.

4. However, earned leave encashment, revised pension and arrears of revised scale of pay were paid only 01.02.2017 /20.03.2017 after 36 months of his retirement. Therefore, there was a delay in payment of DCRG, pension and other terminal benefits. Therefore, he gave a representation



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dated 16.08.2017 and requested the respondents to pay interest for belated payment of DCRG and other terminal benefits. The petitioner is entitled for interest for belated payment of DCRG as per Rule 45(A) of the Tamil Nadu Pension Rules and also as per various judgments of the Hon'ble Supreme Court and this Court. Hence seeks for 1st respondent to pay interest to the petitioner for the belated payment of DCRG and terminal benefits.

5. The learned Government Advocate appearing for the respondents 1 to 4 submitted that the petitioner retired from service on attaining superannuation on 31.10.2014 and the pension proposal of the petitioner was sent to the 4th respondent by the 5th respondent on 06.11.2014. The proposal was returned to the 5th respondent by the 4th respondent stating that pay should not be fixed as per fitment Table 5 and requested to revise and submit the same early. The proposal of the petitioner with corrected fixation was sent received by the 4th respondent on 26.03.2015 and it is also to be seen that the 4th respondent was bifurcated as per G.O.No.227, Higher Education (G2) Department, dated 29.12.2014 and the 3rd respondent established on 12.06.2015. After the bifurcation of J.K.K.Nataraja College is



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included in the office of the 3rd respondent. The pension proposal sanctioned by Accountant General, Chennai vide letter No.P24/12412828/1/R2412828, dated 28.10.2015. The No Due Certificate and DCRE were issued to the 5th respondent from the 3rd respondent vide Rc.No.1714/B1/2015, dated 19.11.2015 and 14.12.2015. The revised pension proposal of the petitioner was sent by the 5th respondent to the 3rd respondent on 05.10.2016 was received on 21.10.2016. It was duly received without the petitioner's service register. The service register of the petitioner was in need for revised pension to be duly counter signed by the 5th respondent.

6. Vide Rc.No.2561/B2/2016, dated 16.11.2016, 02.12.2016 and 16.12.2016 the service register of the petitioner was requested for scrutinizing the revised pension proposal by the 3rd respondent from the 5th respondent. Finally, the service register was received from the 5th respondent on 20.12.2016 and the revised pension proposal was sent to the Accountant General, Chennai on 06.01.2017 vide Rc.No.2565/B2/2016 and the same was sanctioned by the Accountant General vide letter No.P24/4/Rev/12414606/CVP, dated 03.02.2017.



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7. As per the letter of the Accountant General, the revised DCRG was sanctioned by the 3rd respondent on 12.04.2017 because of the counter signed ECS statement was received from the 5th respondent only on 05.04.2017.

8. In case of Earned Leave and Unearned Leave on private affairs the proposal was sent by the 5th respondent to the 3rd respondent on 05.10.2016, was received on 21.10.2016 by the 3rd respondent's office without service book and income tax calculation sheet. The petitioner submitted the income tax form in person on 30.12.2016 in the 3rd respondent's office and there is no role to pay by the other officers in the sanction of the terminal benefits for the petitioner and it is the 5th respondent has to forward all these papers to the 3rd respondent for payment and there is no fault on the respondents 1 to 4.

9. According to the Joint Director of Collegiate Education, the sanction order for Earned Leave and Unearned Leave on Private Affairs was



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issued to the 5th respondent on 06.01.2017 and there is no amount to be paid to the petitioner and prayed for the writ petition has to be dismissed.

10. It is also submitted that the petitioner died on 03.09.2023 at the age of 66 years.

11. It is seen that the proposals were sent only belatedly by the College and after receipt of the same, the Authorities have immediately sanctioned the same and therefore, nothing survives for further adjudication in the petition.

12. Accordingly, this writ petition is dismissed. No costs.

11.10.2023

ssn

To

1.The Secretary to Government,
Higher Education Department,
Fort St.George, Chennai-600 009.

7/9



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2.The Director of Collegiate Education,
College Road, Chennai-600 006.

3.The Joint Director of Collegiate Education,
Dharmapuri Region,
Dharmapuri-638 705.

4. The Joint Director of Collegiate Education,
Coimbatore Region, Coimbatore-641 018.

5.The Secretary,
J.K.K.Nataraja Arts & Science College,
Kumarapalayam-638 183.

**V.BHAVANI
SUBBAROYAN, J.,**

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