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W.P.(MD)No.21778 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.21778 of 2019

M.Ramasamy

... Petitioner

vs.

1.The Accountant General (A&E),
Office of Accountant General,
Teynampet, Chennai-600 018.

2.The Chief Educational Officer,
Tirunelveli-627 009,
Tirunelveli District.

3.The District Educational Officer,
Tirunelveli-627 001,
Tirunelveli District.

4.The District Educational Officer,
Sankarankoil-627 756,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to sanction and disburse forthwith the interest amount admissible to the petitioner on his death cum retirement gratuity (DCRG) amount of Rs. 7,39,344/- as per Rule 45 A of Tamil Nadu Pension Rules, 1978.

For Petitioner	: Mr.Ashaiq Ismail for Mr.T.Cibi Chakraborty
For R1	: Mr.P.Gunasekaran
For R2 to 4	: Mr.V.Omprakash Government Advocate *****

ORDER

This writ petition is filed for issuance of a writ of Mandamus, to direct the respondents herein to sanction and disburse forthwith the interest amount admissible to the petitioner on his Death Cum Retirement Gratuity (DCRG) amount of Rs.7,39,344/- as per Rule 45 A of Tamil Nadu Pension Rules, 1978.



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2. The petitioner after serving for 18 years, 8 months and 9 days as Headmaster retired from the Government High School on 31.05.2018. The respondents have paid the gratuity on 08.07.2019. Hence, there is a delay in payment of gratuity.

3. The learned Counsel for the petitioner fairly submitted that the respondents delayed the payment until 20.03.2019. Subsequently, it was a delay caused by the petitioner, because he could not give the account number. the respondents are bound to pay the gratuity on or before two months from the date of retirement. Since there is delay, this Court is inclined to grant the relief sought for by the petitioner.

4. It is seen from the records that the petitioner has retired from service on 31.05.2018. The respondents ought to have paid on or before 31.07.2018, but the respondents failed to pay within the said time.



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Hence, the petitioner is entitled to interest from 01.08.2018. Since the respondents have delayed the payment until 20.03.2019, this Court is restricting the claim of the petitioner from 01.08.2018 to 20.03.2019. The 4th respondent is directed to pay the statutory interest for the above said period and the said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. With the above said observation, the writ petition is allowed. No costs.

Index : Yes / No
Internet : Yes
NCC : Yes / No

09.06.2023

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To

- 1.The Chief Educational Officer,
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Tirunelveli District.
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S.SRIMATHY, J

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