



W.P.(MD)No.2519 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.2519 of 2016

and

W.M.P(MD)No. 15713 of 2016

A.Sankaranantham

... Petitioner

Vs.

1. The Secretary to Government,
Co-operation, Food and Consumer
Protection Department,
Secretariat,
Chennai – 600 009.
2. The Registrar of Co-operative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai – 600 010.
3. The Joint Registrar of Co-operative Societies,
Theni Region,
Theni, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records pertaining to the impugned order made in Rc.No.36865/2011/P1 dated 07.09.2015 passed by



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the 2nd respondent, quash the same and further directing the respondents to pay interest to the belated payment of the petitioner's pensionary benefits such as Provisional Pension and House Rent Allowance which were omitted by the Respondents while complying the earlier order of this Honourable Court in WA(MD)No.10294 of 2013 and W.P(MD)No.20 of 2015, with effect from 26.06.2004.

For Petitioner : No appearance
For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

This writ petition is filed challenging the impugned order, dated 07.09.2015 with consequential relief to pay interest to the belated payments in the Provisional Pension and House Rent Allowance.

2. There is no representation on the side of the petitioner. Heard Mr.R.Ragavendran, learned Government Advocate appearing for the respondents. Perused the material documents available on record.



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3. Earlier the petitioner had filed W.P.(MD)No.10294 of 2013 and W.A.(MD)No.20 of 2015 wherein this Court had directed the respondents to pay terminal benefits. The respondents have paid the entire benefits along with applicable interest and have complied with the order. The petitioner is not satisfied with the belated payment, hence submitted a representation, dated 11.05.2015 to sanction interest for House Rent Allowance and difference in provisional pension amount. The respondents have considered the same and passed the impugned order, aggrieved over the same the present writ petition is filed.

4. The learned Government Advocate appearing for the respondents submitted that the petitioner is not entitled to payment of House Rent Allowance as per Fundamental Rules and Tamil Nadu Pension Rules.

5. It is seen from the records that the petitioner was suspended from service on 26.06.2004 and initiated criminal proceeding and disciplinary proceeding. Then the criminal proceeding was dropped through G.O.Ms.No.210 Agricultural Department dated 09.10.2009. Then the petitioner approached this



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Court to quash the suspension order, charge memo and this Court quashed the charge memo. Then on 16.08.2011 the suspension was revoked and the petitioner was permitted to retire. On 06.03.2012 the disciplinary proceeding was set aside and ordered to pay terminal benefits. The DCRG was paid on 29.06.2012. Since it was paid belatedly the petitioner approached this Court and then the respondents paid 8% interest on 08.03.2013. As far as other payments are concerned the respondents paid the same belatedly and in writ petition the respondents were directed to pay interest for 10%, but on writ appeal it was reduced to 8% and the respondents paid the same on 24.04.2015. But the respondents failed to pay interest to provisional pension and HRA, hence the petitioner is before this Court.

6. As far as the Housing Rent Allowance is concerned, after the charge memo was quashed by the Court, the petitioner was exonerated from the charges on and from 06.03.2012, thereafter the pendency of HRA was calculated and paid. Hence there is no question of paying any interest to the same. Regarding the provisional pension difference amount, it is seen that subsistence allowance was paid to the petitioner from 01.07.2004 onwards, i.e., from the date of suspension as per G.O.(3D) No.12 Cooperation, Food and Consumer



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Protection Department, dated 16.08.2011. The petitioner's suspension was revoked and he was permitted to retire, without prejudice to the disciplinary action pending against him. Only then, he became eligible to receive provisional pension. Thereafter, provisional pension was sanctioned to the petitioner on 11.10.2011 and the arrears amount of Rs.23,342/-was drawn and paid on 26.12.2011. Hence, there is no delay in settling the provisional pension and the petitioner is not entitled to the interest.

7. Therefore, this Court is not inclined to entertain this writ petition. Accordingly, this Writ Petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 2519 of 2016**

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