



W.P.No.1794 of 2024

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 07.08.2024

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

W.P.No.1794 of 2024  
and W.M.P.No.1853 of 2024

D.Thanikachalam

.. Petitioner

**Vs.**

1.The District Collector,  
Collectorate, Villupuram – 605 602.

2.The Commissioner,  
Kottakuppam Municipality,  
No.70/45, Gandhi Road,  
Kottakuppam, Villupuram District.

3.The Executive Officer,  
Kottakuppam Municipality,  
Arakandanallur.

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2<sup>nd</sup> respondent to settle all retirement benefits including pension, arrears of pension, commutation, gratuity, surrender leave, PF and SGPF and leave on private affairs and further direct to pay the amount withheld Rs.3,94,737/- from petitioner service benefits and Rs.1,85,134/- was paid on 25.05.2023, to the petitioner along with 24% interest.



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For petitioner : Mr.N.Beulah John Selvaraj  
For R1 : Mr.P.Anandhakumar  
Government Advocate  
For RR 2 & 3 : Mrs.R.L.Karthika

### **ORDER**

This writ petition has been filed for the issue of writ of mandamus directing the 2<sup>nd</sup> respondent to settle all the retirement benefits to the petitioner along with interest.

2.Heard the learned counsel for the petitioner, learned Government Advocate for 1<sup>st</sup> respondent and the learned counsel for the respondents 2 & 3.

3.The petitioner was working as a Bill Collector in the 3<sup>rd</sup> respondent Municipality. He superannuated from his service on 31.05.2023. The grievance of the petitioner is that the 2<sup>nd</sup> respondent has not settled any amount towards his terminal benefits. A representation made by the petitioner in this regard also did not evoke any response. In view of the same, the present writ petition has been filed before this Court seeking for appropriate directions.



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4.The learned counsel appearing on behalf of the respondents 2 & 3 submitted that the petitioner while working as a Tax Collector has left huge amount of arrears of tax. Therefore, 30% of the arrears amount has to be recovered from the petitioner.

5.In the considered view of this Court, the petitioner has retired from service more than a year back. Therefore, whatever amounts to which the petitioner is entitled to and there is no dispute with regard to the same, has to be settled to the petitioner immediately. Wherever there is a dispute and the respondents are claiming that the arrears of tax which was not collected, has to be recovered from the petitioner, an order shall be passed to that effect and shall be issued to the petitioner. That will atleast enable the petitioner to workout his remedy in the manner known to law.

6.In the result, this Writ Petition is disposed of with a direction to the 3<sup>rd</sup> respondent to settle the entire terminal benefits to the petitioner, over which there is no dispute, within a period of four (4) weeks from the date of receipt of a copy of this order. In so far as the amounts which are



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sought to be withheld by the respondents, an order to that effect shall be passed and it shall be conveyed to the petitioner within a period of four (4) weeks. On receipt of the same, it is left open to the petitioner to workout the remedy in the manner known to law. If there is any delay in settling the admitted terminal benefits to the petitioner beyond the period fixed by this Court, it will carry interest at the rate of 7.5% from the date on which it became payable till the date of actual payment. Consequently, the connected Miscellaneous Petition is closed. No costs.

**07.08.2024**

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Index : Yes / No  
Internet : Yes / No  
Neutral Citation : Yes / No



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To

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**N.ANAND VENKATESH, J.**

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