



W.P.No. 20948 of 2012

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

**DATED : 25.03.2024**

**CORAM:**

**THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.No.20948 of 2012**

N.R.Ravisankar

...Petitioner

Vs

1. CBM College,  
Rep. by its Secretary,  
Kovaipudur,Coimbatore – 641 042.

2. The Principal,  
CBM College,  
Kovaipudur,  
Coimbatore – 641 042.

3. The Regional Joint Director of Collegiate Education,  
Coimbatore Region,  
Race Course,Coimbatore – 641 018.

...Respondents

**Prayer:** Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 18.07.2012 and disburse the various amounts payable as mentioned in the representation with 18% interest per annum.

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For Petitioner : Mr.R.Subramanian  
For R1 : Mr.S.Sithirai Anandan  
For R2 : No appearance  
For R3 : Mr.C.Jaya Prakash  
Government Advocate

### **ORDER**

This writ petition is filed seeking for issuance of Mandamus to direct the respondents to consider the petitioner's representation dated 18.07.2012 and disburse the various amounts payable as mentioned in the representation with 18% interest per annum.

2. The learned counsel for the petitioner circulated the copy of the Division Bench Judgement passed in W.A.No. 1683 of 2015, dated 05.04.2023 in regard to the similar issue and the relevant paragraph of the judgement is extracted hereunder:-

*10. In view of the above, the first respondent is directed to make a representation to the second respondent for claiming interest for the belated settlement, within a period of one month, from the date of receipt of a copy of*



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*this order and on receipt of the same, the second respondent is directed to consider the said representation and pass orders, within a period of twelve weeks, after providing an opportunity to the appellant. The management is directed to pay the interest at the rate of 6% p.a., on the delayed payment of retirement benefits to the appellants, from the date of retirement till the actual payment was made, subject to the final decision that may be taken by the second respondent.*

3. The learned counsel for the petitioner also relied on the judgement of the Hon'ble Supreme Court of India in ***Civil Appeal No. 1698 of 2022*** in the case of ***Dr.A.Selvaraj and C.B.M.College and Ors*** in which it is held as follows:-

*“5.In view of the above discussion and for the reasons stated above, present Appeal Succeeds. The impugned judgment and order passed by the Division Bench of the High Court and that of the learned Single Judge denying the interest on delayed payment of retirement benefits to the appellant is hereby quashed and set aside. The Management /Trustees /College are hereby directed to pay the interest on the delayed payment of retirement benefits to the Appellant, from the date*



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*of retirement till the actual payment was made, subject to the final decision that may be taken by the Government on the objections to the enquiry report that may be filed by the former Secretary and/or the College and it will be open for the College/Management / Trustees to recover the same from the person, who, ultimately is held to be responsible for the delay. The payment of interest on delayed payment of retirement benefits to be paid strictly within a period of six weeks from today. In the meantime, the Government to pass a final order on the enquiry report after giving an opportunity to the College / Management / former Secretary. It goes without saying that it would be open to the aggrieved party to challenge the said decision before the appropriate forum.*

*Present appeal is accordingly allowed to the aforesaid extent. Pending applications, if any, also stand disposed of.”*

4. In view of the ratio relied by the Division Bench of this Court, the petitioner is directed to make a representation to the third respondent for claiming interest for the belated settlement within a period of four weeks, from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the said representation and pass orders,



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within a period of twelve weeks, after providing an opportunity to the petitioner. As per the above order of the Division Bench, the Management is also directed to pay the interest at the rate of 6% p.a., on the delayed payment of retirement benefits to the petitioner, from the date of retirement till the actual payment was made, subject to the final decision that may be taken by the third respondent.

5. This writ petition is disposed of with above direction. No costs.

**25.03.2024**

Index: Yes/No  
Speaking Order : Yes/No  
Neutral Citation Case : Yes/No  
nsl

To  
The Regional Joint Director of Collegiate Education,  
Coimbatore Region,  
Race Course,  
Coimbatore – 641 018.

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WEB COPY



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**J.SATHYA NARAYANA PRASAD, J.**

ns1

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