



WEB COPY

W.P.No.236 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.236 of 2021

Dr.A.Peer Mohamed

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Petitioner

versus

1.The Director of Collegiate Education,
Department of Higher Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai - 600 006.

2.The Joint Director of Collegiate Education,
Chennai Region,
Institute of Advanced Study in Education Campus,
Saidapet, Chennai - 600 015.

3.The Secretary,
S.I.V.E.T College,
Velachery Main Road,
Gowrivakkam, Chennai - 600 073.

4.G.Selvanathan,
Secretary,
S.I.V.E.T College,
Velachery Main Road,
Gowrivakkam,
Chennai - 600 073.

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Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd / 4th respondent (i) to sanction and disburse interest for the delayed payment of DCRG and monthly pension i.e. Rs.4,88,864/- and Rs.6,47,623/- respectively (ii) to disburse Rs.4,71,569/- towards deemed re-employment from 01.12.2015 to 31.05.2016 with interest Rs,2,77,628/- at 12% p.a. (iii) Encashment of Leave Salary benefits with 12% interest.

For Petitioner : Ms.T.Subhiksha
for Mr.M.Ravi

For Respondent Nos.1 & 2 : Mr.K.Surendran
Additional Government Pleader

For Respondent Nos.3 & 4 : No Appearance

ORDER

Heard Ms.T.Subhiksha, learned counsel for the petitioner and Mr.K.Surendran, learned Additional Government Pleader for the respondents 1 and 2 and perused the materials available on record.

2. The petitioner was working in the 3rd respondent College and retired from service on 30.11.2015 and aggrieved due to the delayed settlement has filed this Writ Petition, seeking interest on the same along with the benefit of re-employment w.e.f. 01.12.2015 to 31.05.2016.



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3. Mr.K.Surendran, learned Additional Government Pleader for the respondents 1 and 2 submitted that pension or re-employment proposal has not been submitted by the 3rd respondent to the 2nd respondent, the petitioner was not re-employed. Since the delay was attributable to the respondents 3 and 4, the respondents 1 and 2 cannot be found fault.

4. Even today, when the matter was taken up, there is no representation for the respondents 3 and 4.

5. Admittedly, the petitioner got retired on 30.11.2015. As per the submission made by Ms.T.Subhiksha, learned counsel for the petitioner, the petitioner's retiral benefits for disbursal were released only in the year 2019. In fact, some of the benefits like earned leave encashment was not paid. Hence, the petitioner has filed this Writ Petition seeking interest on the same.

6. It appears that the 3rd respondent is a Government funded College. The 3rd respondent has not sent the proposal to the 2nd respondent in time. Since the delay was attributable to the respondents 3 and 4, it is



obligatory on the part of the respondents 3 and 4 to consider the request of the petitioner.

Hence, this Writ Petition is **disposed**, by directing the respondents 3 and 4 to sanction and disburse the delayed payment of Death-cum-Retirement Gratuity and monthly pension along with interest at the rate of 6% p.a. to the petitioner from the date of retirement till the date of payment made in respect of each and every benefit and pass appropriate orders in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

04.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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R.N.MANJULA, J.

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