



W.P.No.31630 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH

W.P.No.31630 of 2022

M.Periya Selvavelu

... Petitioner

Vs.

1.The Union of India,

Rep.by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.

2.The Secretary to Government Cum Chairman, PVCS
Animal Husbandry and Animal Welfare Department,
Government of Union Territory of Puducherry,
Puducherry.

3. The Dean

Rajiv Gandhi Institute of Veterinary Education and Research
Pondicherry Veterinary College Society,
Kurumbapet,
Puducherry 605 009.

4. The Secretary to Government,

Department of Personnel and Administrative Reforms,
Government of Union Territory of Puducherry,
Puducherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for
issuance of a writ of Mandamus directing the respondents to disburse the



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regular monthly pension payable to the petitioner as per the pension payment order dated 09.03.2020 and the commuted pension, earned leave encashment and the arrears of monthly pension due to the petitioner with interest at the rate of 18% per annum with effect from October 2021 till the date of disbursement.

For Petitioner : Mr. T.Saikrishnan

For R2 & R4 : Mr.R.Sreedharan
Addl.Govt.Pleader

For R1 : Mr.P.K.Ganesh

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondents to disburse the regular monthly pension payable to the petitioner as per the pension payment order dated 09.03.2020 and the commuted pension, earned leave encashment and the arrears of monthly pension due to the petitioner with interest at the rate of 18% per annum with effect from October 2021 till the date of disbursement.

2. Heard the learned counsel on either side and perused the materials available on record.



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3. It is seen that similar matters have been already dealt with by this Court in W.P.No.19633, 20016, 20020 of 2023 dated 18.12.2023. The relevant portions of the said order is extracted hereunder :-

9. The learned Additional Government Pleader appearing for River made a faint attempt to submit that a huge amount of Rs.17 Crores is pending towards disbursement of the retirement and pensionary benefits and therefore, as and when the Grant-in-aid is received, the same would be disbursed on security basis.
10. I am not in agreement with such a submission.
11. This is an accumulated liability which the River had brought upon itself over a long period between 31.05.2010 and 26.05.2018 and owing to their inaction in the prompt disbursal of the funds, this liability has incurred. Thus, the petitioners would be entitled for interest on the outstanding payment. Now that the Government in G.O.Ms.No.2/AH, dated 10.08.2023, had agreed to release the Grant-in-aid to RIVER, the release of these funds to the petitioners herein, along with contribution of RIVER, shall be made as soon as the funds are received. It is hereby clarified that RIVER shall not, in any way, divert or otherwise, utilize these funds for any other purpose except for disbursement of the petitioners-retirement and pensionary benefits.



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12. Considering the above submissions made by the respective counsel, the vested rights of the petitioners, to receive the retirement pensionary benefits, has been protected and by taking into account that the Government has already passed an order for release of Grant-in-aid to RIVER and a decision is to be taken in this regard by 01.03.2024, this Court is of the view that the respondents can be granted till 15.04.2024 to disburse the benefits to the petitioners.

13. In the light of the above observations and findings there shall be a direction to the respondents herein, to pass appropriate orders to disburse the terminal benefits, monthly pension and the arrears of monthly pension, with applicable dearness relief to the petitioners, as per their respective pension payment orders, along with interest at 18% per annum with effect from the date on which the monetary benefits were due and payable to them, till the date of disbursement on or before 15.04.2024.

4. In view of the above order passed by this Court in identical matters, this Court is of the opinion that the petitioner is also entitled for the same relief.

5. In the result, this Writ Petition is disposed of with a direction to the respondents herein, to pass appropriate orders to disburse the terminal benefits, monthly pension and the arrears of monthly pension, with applicable dearness



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relief to the petitioners, as per their respective pension payment orders, along with interest at 18% per annum with effect from the date on which the monetary benefits were due and payable to them, till the date of disbursement on or before 03.03.2025. No costs.

20.12.2024

Index : Yes/No
Internet : Yes/No
Speaking : Non Speaking Order
Neutral Citation : Yes/No
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To

- 1.The Union of India,
Rep.by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.
- 2.The Secretary to Government Cum Chairman, PVCS
Animal Husbandry and Animal Welfare Department,
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VIVEK KUMAR SINGH, J.

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