



WEB COPY



W.P.No.38030 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.38030 of 2024

E. Chittaranjan

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Secretary to Government/
Agricultural Production Commissioner,
Agriculture Department, Fort St.George,
Chennai.

2. The Commissioner of Agricultural Department,
Chepauk, Chennai 600 005.

3. The Commissioner of Horticulture,
Department of Horticulture,
Chepauk, Chennai 600 005.

4. The Deputy Director,
Department of Horticulture,
Pudukottai 622 001.

5. The Accountant General (A&E) of Tamil Nadu,
Anna Salai, Chennai 600 018

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first Respondent to



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consider and pass orders on the petitioner's appeal petition/representation dated 17.10.2023 made for payment interest for the belated payment of DCRG amount of Rs. 1,89,204/- @ 10% p.a from 31.05.2004 within a time frame as may be fixed by this Court and pass orders.

For Petitioner : Mr.J. Malathi
For Respondents 1-4 : Mr.Yogesh Kannadasan
Special Government Pleader
For Respondent – 5 : Mrs.S.Brinda, Standing counsel

ORDER

This Writ Petition has been filed directing the first respondent to dispose of the petitioner's appeal petition/representation dated 17.10.2023 made for payment interest for the belated payment of DCRG amount of Rs. 1,89,204/- @ 10% p.a from 31.05.2004 within a time frame and pass orders.

2. Mr.Yogesh Kannadasan, Special Government Pleader takes notice for the Respondents 1 to 4. Mrs.S. Brinda Standing counsel takes notice for the fifth respondent. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.



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3. The case of the petitioner is that the first respondent on 25.11.2016 had sanctioned Rs.3,28,680/- and recovered Rs.1,39,584/- from petitioner's Death cum Retirement Gratuity(DCRG) referring to the proceedings of the 4th respondent dated 20.10.2016. Hence, the petitioner filed a W.P.No.29277 of 2017, wherein this Court passed an order on 01.02.2023 set aside the order dated 25.11.2016 and directed the first respondent to disburse the said amount to the petitioner. Pursuant to which the first respondent disbursed the amount to the petitioner. However, in respect of the death cum retirement gratuity of Rs.1,89,204/- interest was not paid to petitioner. Hence, the petitioner filed a Appeal/Representation before the first respondent regarding the said issue on 17.10.2023 and the same is pending till date. Hence this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the first respondent to dispose of the appeal filed by the petitioner on 17.10.2023 and pass orders.



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5. The learned Special Government Pleader appearing for the respondents submitted that they will consider the case of the petitioner and take action in the manner known to law.

6. Considering the facts and circumstances of the case, this Court without expressing any opinion on the merits of the case directs the first respondent to dispose the appeal filed by the petitioner on 17.10.2023 after conducting an enquiry by affording reasonable opportunity of hearing to the petitioner as well as the concerned parties and pass orders within a period of eight weeks from the date of receipt of a copy of this Order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

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Index: Yes/No

Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

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