



W.P.(MD).No.2979 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2979 of 2021

M.Amal Anbarasu

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Chairman of TWAD
Board and Principal Secretary,
Municipal Administration and Water
Supply Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Managing Director,
TWAD Board, Head Office,
No.31, Kamarajar Salai, Chepauk,
Chennai-600 005.
- 3.The Secretary Cum General Manager,
TWAD Board, Head Office,
No.31, Kamarajar Salai,
Chepauk, Chennai-600 005.
- 4.The Superintending Engineer,
TWAD Board,
Tirunelveli-Kanyakumari Circle,
Seevalaperi Road, Santhi Nagar,
Tirunelveli-627 002.



W.P.(MD).No.2979 of 2021

5.The Executive Engineer,
TWAD-Sewerage Division,
No.61, Masilamanipuram 3rd Street,
Thoothukudi,
Thoothukudi District-626 008.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to fix time limit to settle the entire terminal benefits amount of Rs.43,10,479/- (Rupees Forty Three Lakhs Ten Thousand Four Hundred and Seventy Nine only) payable to the petitioner, such as Death cum Retirement Gratuity, Commutation amount, Encashment of leave salary together with 18% interest from the date of his retirement i.e., 31.01.2020 to till the date of payment and all other attendant benefits to him within the stipulated period.

For Petitioner	: Mr. A.K.Thangavelu
For R-1	: Mr.D.Gandhi Raj, Special Government Pleader
For R-2 to R-5	: Mr.B.Vijay Karthikeyan Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to fix time limit to settle the entire terminal benefit amount of



W.P.(MD).No.2979 of 2021

Rs.43,10,479/- (Rupees Forty Three Lakhs Ten Thousand Four Hundred and Seventy Nine only) payable to the petitioner, such as Death cum Retirement Gratuity, Commutation amount, Encashment of leave salary together with 18% interest from the date of his retirement i.e., 31.01.2020 to till the date of payment and all other attendant benefits to him.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner retired from service from the respondent Board on 31.01.2020 as Assistant Executive Engineer. Even after a period of one year from his retirement, his terminal benefits including death cum retirement gratuity, commutation and encashment of leave salary have not been disbursed by the respondent Board. In view of the same, this writ petition came to be filed.

3. The respondent Board has filed a counter, submitting that 10% of the DCRG was paid on 06.05.2021, 90% of the DCRG was paid on 07.06.2021, encashment of leave salary was paid on 26.04.2021 and the commutation value



W.P.(MD).No.2979 of 2021

of pension was paid on 08.03.2022 by the respondent Board. Since the petitioner's entire payment was paid, the writ petition is not maintainable and pressed for dismissal of the writ petition.

4. However, the learned counsel appearing for the petitioner insisted for the interest for the belated payment of the said terminal benefits.

5. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

6. The payment of terminal benefits is not a bounty for the respondent for keep on dragging the disbursal of the same belatedly. In view of the same, this Court hereby direct the respondent Board to pay 6% interest for DCRG, encashment of leave salary and commuted value of pension for the belated settlement from the date of retirement till the date of settlement within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.(MD).No.2979 of 2021

WEB COPY

7. Accordingly, this Writ Petition stands disposed of. No costs.

02.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The State of Tamil Nadu,
Rep. by its Chairman of TWAD
Board and Principal Secretary,
Municipal Administration and Water
Supply Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The Managing Director,
TWAD Board, Head Office,
No.31, Kamarajar Salai, Chepauk,
Chennai-600 005.
- 3.The Secretary Cum General Manager,
TWAD Board, Head Office,
No.31, Kamarajar Salai,
Chepauk, Chennai-600 005.
- 4.The Superintending Engineer,
TWAD Board,
Tirunelveli-Kanyakumari Circle,
Seevalaperi Road, Santhi Nagar,
Tirunelveli-627 002.



W.P.(MD).No.2979 of 2021

5. The Executive Engineer,
TWAD-Sewerage Division,
No.61, Masilamanipuram 3rd Street,
Thoothukudi,
Thoothukudi District-626 008.



WEB COPY



W.P.(MD).No.2979 of 2021

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.2979 of 2021

02.04.2024