



W.P.(MD).No.2984 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2984 of 2021

R.Sreedhar

...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, Shanthi Nagar,
Tirunelveli-627 002.



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5.The Executive Engineer,
TWAD-Project Division,
Integrated Complex,
Shanthi Nagar, Tirunelveli-627 002.

... 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.38,76,015/- (Rupees Thirty Eight Lakhs Seventy Six Thousand and Fifteen 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., 30.06.2019 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



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Rs.38,76,015/- (Rupees Thirty Eight Lakhs Seventy Six Thousand and Fifteen 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., 30.06.2019 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 30.06.2019 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 07.05.2021, 90% of the DCRG was paid on 07.06.2021, encashment of leave salary was paid on 15.04.2021 and the commutation value



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of pension was paid on 11.04.2022 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.



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

02.04.2024

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

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L.VICTORIA GOWRI, J.

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