



W.A(MD)No.3 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.06.2024**

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

and

THE HONOURABLE MRS.JUSTICE **L.VICTORIA GOWRI**

W.A(MD)No.3 of 2019

T.Joseph Christadoss

...Appellant/Petitioner

Vs.

1. The Secretary,
Pope's College,
Sawyerpuram, Tuticorin,
Tuticorin District.

2. The Principal,
Pope's College,
Sawyerpuram, Tuticorin.

3. The Joint Director of Collegiate
Education,
Tirunelveli Region,
Tirunelveli.

4. The Principal Accountant General,
Chennai.

..Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent as against the order passed by this Court dated 15.03.2018 in W.P(MD)No. 1723 of 2014.



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For Appellant : Mr.K.Samidurai
For R-1 & R-2 : Mr.S.Meenakshi Sundaram,
Senior Counsel,
For Mr.N.GA.Natraj
For R-3 : Mr.D.Sadiq Raja,
Additional Government Pleader
For R-4 : Mr.P.Gunasekaran,
Standing Counsel

J U D G M E N T

[Judgment was delivered by **L.VICTORIA GOWRI, J.**]

This Writ Appeal is filed by the unsuccessful writ petitioner in W.P.(MD)No.1723 of 2014, aggrieved by the order passed by the learned Single Judge of this Court, dated 15.03.2018, dismissing the Writ Petition filed by him.

2. The case of the writ petitioner is that he served as a Principal in the first respondent College. Though he reached his age of superannuation on 31.01.2011, since the said date had fallen during the middle of the academic year, he continued to serve the institution till 31.05.2011. The petitioner's grievance is that his pensionary benefits were settled only by 01.06.2013 and since there was a delay in settling



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his retirement benefits, the petitioner required the respondents to pay interest and penal interest as well.

3. Since the petitioner's terminal benefits were not settled immediately on the date of him being relieved from service, that is, on 31.05.2011, he filed a Writ Petition in W.P.(MD)No.11830 of 2012 before the Principal Bench of this Court, seeking to direct the respondents to disburse the pension and all other retirement benefits with interest. This Court, by order dated 29.10.2012, disposed of the same, directing the first respondent therein to forward the authorization sent by the 4th respondent therein forthwith along with necessary papers to the treasury to enable the petitioner to get monthly pension within a period of six (6) weeks from the date of copy of the order in that case.

4. When the Writ Petition came up for consideration before this Court, the learned counsel appearing for the respondents 1 and 2 duly submitted that the direction given by this Court in W.P.(MD)No.11830 of 2016, vide order dated 29.10.2012, has been duly considered and the College Management had complied with the same. Recording the same, the learned Single Judge had proceeded to negate the petitioner's claim



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for interest and penal interest on the belated payment of petitioner's various pensionary benefits, observing that the relief of payment of interest in this writ petition could not be considered since the same has arisen on the same cause of action, on which W.P.(MD)No.11830 of 2012 was filed by the writ petitioner. Accordingly, the Writ Petition was dismissed and assailing the same, this Writ Appeal came to be filed.

5. Heard the learned counsel for the appellant and the learned Special Government Pleader for the respondent and carefully perused the materials available on record.

6. It is needless to state that the cause of action for W.P.(MD)No. 11830 of 2012 and W.P.(MD)No.1723 of 2014, that is, the instant case, are one and the same, which had arisen with respect to the disbursement of the petitioner's terminal benefits with interest. Therefore, the decision of this Court on merits on the petitioner's Writ Petition in W.P.(MD)No. 11830 of 2016 is a bar to further grant relief in this Writ Appeal, which is for the same cause of action.



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7. Accordingly, the Writ Appeal fails and the same is dismissed as not maintainable. There shall be no order as to costs.

(N.S.S., J.) (L.V.G., J.)
11.06.2024

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

To

1. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.
2. The Principal Accountant General,
Chennai.



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N.SESHASAYEE, J.
and
L.VICTORIA GOWRI, J.

Sml

Judgment MADE IN
W.A(MD)No.3 of 2019
and CMP(MD)No.4594 of 2019

11.06.2024