



W.P.(MD)No.23809 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.11.2024

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.23809 of 2022**

M.Manoharan

... Petitioner

versus

1. The Joint Director of Collegiate Education,  
Madurai Region, Palam Station Road,  
Madurai – 625 002,  
Madurai District.

2. The Secretary,  
Dr.Zakir Husain College,  
Ilayangudi – 630 702,  
Sivagangai District.

3. The Principal,  
Dr.Zakir Husain College,  
Ilayangudi – 630 702,  
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 1<sup>st</sup> respondent herein in Na.Ka.No.9814/E2/2022 dated 26.08.2022, quash the same



W.P.(MD)No.23809 of 2022

and further direct the respondents herein to pay appropriate interest to the petitioner for the delayed payments of General Provident Fund and other retiral benefits including earned leave benefits from 01.05.2020 to 24.05.2022 and from 01.05.2020 to 12.08.2021 for delayed payment of monthly pension and Death-cum-Retirement Gratuity (DCRG) within a reasonable time as may be specified by this Court.

For Petitioner : Mr.E.V.N.Siva

For R1 : Mr.P.T.Thiraviam,  
Government Advocate

For R2 and R3 : Mr.H.Thaymanaswamy

### **ORDER**

The petitioner is a retired Professor. He approached this Court that the terminal benefits due to him were provided belatedly and therefore, he is entitled for interest on the belated payment of terminal benefits. In this regard, he submitted a representation before the first respondent on 08.08.2022 and the same was rejected by the first respondent, by his order dated 26.08.2012. Challenging the same, the petitioner has filed this writ petition.



W.P.(MD)No.23809 of 2022

WEB COPY

2. The petitioner claims that he served as an Associate Professor for 31 years and 8 months in the second respondent Aided Minority College and retired from service on 30.04.2020. He was provided re-employment from 01.05.2020 to 30.05.2020 and relieved from service on 31.05.2020. According to the petitioner, he has objected for the compulsory collection of fund for the Golden Jubilee building construction and therefore, he was victimized by not sending his pension proposals. Though he was relieved on 31.05.2020, he was not provided with terminal benefits. Hence, he submitted a representation to the first respondent on 21.10.2020, based on which, the first respondent called for an explanation from the second respondent and the second respondent, by his proceedings dated 30.11.2020, intimated the first respondent that the pension proposals are ready, however, the petitioner failed to come and sign the proposal.

3. The learned counsel for the petitioner submits that the proposals were made ready even one month prior to the date of



retirement and the petitioner has signed in all the papers. However, the proposals along with No Objection Certificate were not forwarded by the respondents 2 and 3 to the first respondent intentionally for having questioned as against the Management.

4. The petitioner has made specific averments as against the respondents 2 and 3 in his affidavit and the same is extracted as under:

“During first week of December 2019, the respondents 2 and 3 herein, involved in compulsory collection of Rs.3,50,000/- in the name of golden jubilee building construction fund from each staff of the 2<sup>nd</sup> respondent-college by handing over two receipt books (50 each) for Rs.5000/- and Rs.2000/-. The above demand was also made towards him by handing over two receipt books (50 each) in gross violation to the provisions of the T.N. Recognised Private College (Regulation) Act and Rules. Several staff including him, did not agree for the above compulsory demand of money. Hence, the respondents 2 and 3 herein victimised those staff, in a manner known to them, and in his case, the pension proposals were withheld by citing false reasons. Therefore, he submitted a



WEB COPY



W.P.(MD)No.23809 of 2022

complaint to the District Collector on 01.10.2021 and in turn the District Collector, vide proceedings dated 16.11.2021 directed the 3<sup>rd</sup> respondent herein to take appropriate action for disbursement of pension and retirement benefits.”

5. This Court has entertained this writ petition on 17.10.2022 and ordered notice to the respondents. However, the respondents have not filed their counter affidavit. The impugned order has been passed by the first respondent putting the blame on the second respondent that in the absence of any proposal, they cannot pay the pension. By the impugned order, the first respondent has also directed the petitioner to workout his remedy with the second respondent.

6. Admittedly, for the retirement on 30.04.2020, the proposal was made only on 15.02.2021 by the second respondent and there was some considerable delay from the first respondent also and finally, the terminal benefits were settled to the petitioner on 25.05.2022. The petitioner has made certain specific allegations as against the



W.P.(MD)No.23809 of 2022

respondents 2 and 3 as stated supra. The second and third respondents have not responded to the averments made by the petitioner in this writ petition.

7. Considering the available materials, this writ petition is allowed and the impugned order dated 26.08.2022 issued by the 1<sup>st</sup> respondent in Na.Ka.No.9814/E2/2022 is set aside. The first respondent shall pay interest at the rate of 7.5% per annum for the belated payment of terminal benefits to the petitioner within a period of three months from the date of receipt of a copy of this order and recover the same from the second respondent. No costs.

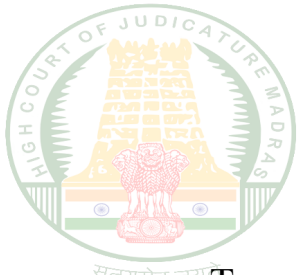
**21.11.2024**

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NCC : Yes / No.

Index : Yes / No.

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W.P.(MD)No.23809 of 2022

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W.P.(MD)No.23809 of 2022

**B.PUGALENDHI, J.**

gk/ogy

**W.P.(MD)No.23809 of 2022**

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