



W.P.(MD)No.6739 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.6739 of 2017

M.Mohamed Abdul Kadher

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Finance Department,
St. George Fort,
Chennai – 600 009.

2.The Director of Cooperative Audit,
5, Kamarajar Salai,
Triplicane,
Chennai – 600 005.

3.The Assistant Director of Cooperative Audit,
Collectorate Complex,
Dindigul – 624 004.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to disburse the retirement benefits of the petitioner such as Death



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Cum Retirement Gratuity, Monthly Pension, Commutation of Pension etc., along with interest at the rate of 18% per annum within the time stipulated by this Court.

For Petitioner : Mr.G.Karthik
for M/s.T.Lajapathi Roy & Associates
For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to disburse the retirement benefits of the petitioner such as Death Cum Retirement Gratuity, Monthly Pension, Commutation of Pension etc., along with interest at the rate of 18% per annum.

2.Counter affidavit has been filed by the respondents denying the contentions of the petitioner.

3.On the last hearing date, learned Counsel for the petitioner submitted that he has received oral instructions from the petitioner that subsequent to the filing of this Writ Petition, certain payments were made towards Gratuity, Pension and Terminal Benefits. However, he submitted that incremental arrears have not been paid as per the 6th Pay Commission.



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4.Since certain payments have been received by the petitioner, no prejudice will be caused if the petitioner is allowed to submit a fresh representation to the respondents seeking for payment of the incremental arrears together with interest at 6% p.a. for the belated payments and on receipt of the said representation, a direction can be issued to the respondents to pass final orders on merits and in accordance with law within a time frame to be fixed by this Court.

5.For the foregoing reasons, this Writ Petition is disposed of by granting liberty to the petitioner to submit a fresh representation to the first respondent seeking payment of his alleged incremental arrears and also for payment of interest at 6% p.a. for the belated payments made by the respondents within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of the said representation, the first respondent shall pass final orders on the said representation, on merits and in accordance with law within a period of six [6] months thereafter.



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6.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

30.08.2024

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

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ABDUL QUDDHOSE, J.

MR

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