



W.P.(MD)No.15780 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.15780 of 2017

R.Palani

: Petitioner

Vs.

1.The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam,
Chennai – 600 006.

2.The Chief Educational Officer,
Trichy.

3.The District Educational Officer,
Trichy.

4.Vivekananda Higher Secondary School,
Rep. by its Secretary,
Thirupparaitturai – 639 115,
Trichy District.

5.Swami Abethananda,
Former Secretary,
Vivekananda Higher Secondary School,
Thirupparaitturai – 639 115,
Trichy District.



W.P.(MD)No.15780 of 2017

6.Swami Divayananda,
Former Secretary,
Ramakrishna Thapovanam,
Thirupparaitturai,
Trichy District.

7.The Headmaster,
Vivekananda Higher Secondary School,
Thirupparaitturai – 639 115,
Trichy District.

8.P.Thirunavukkarasu

9.Swami Niyamananda,
Secretary,
Vivekananda Higher Secondary School,
Thirupparaitturai – 639 115,
Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the fourth respondents to pay 12% interest to the petitioner for the delayed payment of gratuity amount of Rs.10,00,000/- from the date of retirement ie., 31.07.2014 to the date of payment ie., 18.03.2016, Special Provident Fund amount of Rs.30,110/- from the date of retirement ie., 31.07.2014 to the date of payment ie., 31.03.2016, Provident Fund amount of Rs.6,75,000/- from the date of retirement



W.P.(MD)No.15780 of 2017

ie., 31.07.2014 to the date of payment ie., 25.04.2016, Pension arrears amount of Rs.7,14,236/- from the date of retirement ie., 31.07.2014 to the date of payment ie., 30.04.2016 and Encashment of Earn Leave and Unearned Leave on Private Affairs amount of Rs. 6,06,963/- from the date of retirement ie., 31.07.2014 to the date of payment ie., 29.09.2016.

For Petitioner : Mr.M.Saravanan

For Respondents 1 to 3 : Mr.T.Amjad Khan

Government Advocate

For Respondents 4 to 9 : Mr.T.Anwar Sameem

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the fourth respondent to pay 12% interest to the petitioner for the delayed payment of gratuity amount of Rs.10,00,000/- from the date of retirement ie., 31.07.2014 to the date of payment ie., 18.03.2016, Special Provident Fund amount of Rs.30,110/- from the date of retirement ie., 31.07.2014 to the date of payment ie., 31.03.2016, Provident Fund amount of Rs.6,75,000/- from the date of retirement ie., 31.07.2014 to the date of payment ie., 25.04.2016, Pension arrears amount of Rs.7,14,236/- from the date of retirement ie., 31.07.2014 to the date of payment ie., 30.04.2016 and Encashment of Earned Leave and Unearned Leave on Private Affairs amount of Rs.6,06,963/- from the date of retirement ie., 31.07.2014 to the date of payment ie., 29.09.2016.



W.P.(MD)No.15780 of 2017

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2.As seen from the prayer sought for in this Writ Petition, the petitioner claims that on account of the belated payments made by the fourth respondent school towards the terminal benefits payable to the petitioner, he is entitled to claim interest for the said belated payments at 12% p.a.

3.A counter affidavit has been filed by the fourth respondent school denying the contentions of the petitioner. They have categorically disputed the claim of the petitioner for payment of interest as according to them only due to the fault of the petitioner, the payments were made to the petitioner on the respective dates towards his terminal benefits.

4.The petitioner is not making a statutory claim. In the instant case, he is seeking for payment of interest for the alleged belated payments made by the fourth respondent school towards terminal benefits payable to the petitioner. The claim of the petitioner has also been categorically disputed by the respondents as seen from the counter affidavit filed. While that being so, a Writ Petition is not maintainable. The only remedy available to the petitioner is to approach the Civil Court in case the petitioner desires to prosecute the claim. Whenever there are disputed questions of



W.P.(MD)No.15780 of 2017

facts and the claim is not a statutory one, necessarily the petitioner will have to approach the Civil Court.

5. For the foregoing reasons, this Writ Petition is disposed of, by granting liberty to the petitioner to approach the Civil Court in case if he so desires to prosecute the claim that has been sought for in this Writ Petition. There shall be no order as to costs.

19.09.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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W.P.(MD)No.15780 of 2017

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W.P.(MD)No.15780 of 2017

ABDUL QUDDHOSE, J.

MR

W.P.(MD)No.15780 of 2017

19.09.2024