



W.P.(MD)No.18672 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.(MD)No.18672 of 2021

and

W.M.P.(MD)Nos.15385 and 15387 of 2021

K.V.Thangavelu,
Tamil Pandit (Retired),
Government Higher Secondary School,
Thoppampatti,
Palani Taluk,
Dindigul District.

Petitioner

Vs

1.The Director of School Education,
O/o. The Director of School Education,
D.P.I. Campus, College Road,
Chennai - 6.

2.The District Educational Officer,
Palani,
Dindigul District.

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd Respondent in his proceedings in ந.க.எண்.5035/ஆ4/2020 dated 27.01.2021 and quash the same as illegal and consequentially to direct the Respondents to pay 12% interest on the delayed payment of retirement benefits accruing w.e.f.01.04.2003 in terms of Rule 45(A) of the Tamil Nadu Pension Rules 1978, within the period that may be stipulated by this Court.



W.P.(MD)No.18672 of 2021

WEB COPY

For Petitioner : Mr.V.Karthik Raja
For M/s.Ajmal Associates

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

1. This Writ Petition has been filed under the Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, challenging the order passed by the 2nd Respondent dated 27.01.2021 and to consequently direct the Respondents to pay 12% interest on the delayed payment of retirement benefits accruing w.e.f. 01.04.2003 in terms of Rule 45(A) of the Tamil Nadu Pension Rules 1978.
2. The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-
 - (a) The Petitioner, who was retired as a Tamil Pandit on 31.03.2003, received an order for recovery by the 2nd Respondent on 13.01.2003, prior to his superannuation. However, instead of initiating recovery proceedings, the 2nd Respondent deducted a sum of Rs.2,99,039/- from the Petitioner's terminal benefits, prompting the Petitioner to file a Writ Petition in W.P.No.21029 of 2004, which was allowed by this Court vide order dated 22.04.2013 in the following terms:



WEB COPY



W.P.(MD)No.18672 of 2021

“5. It appears that the issue involved in this writ petition has already been considered by this Court in W.P.No. 17373 of 2008 and this Court by order dated 01.08.2008 has granted the relief sought for by the petitioner therein and the same was also confirmed by the Division Bench of this Court by order dated 30.11.2011 in W.A.No.1243 of 2010.

6. Under such circumstances, this Court is inclined to set aside the present impugned order dated 13.01.2003 passed by the second respondent. Accordingly, the impugned order is set aside and the respondents are directed to settle all the amounts payable to the petitioner immediately particularly, within a period of three months from the date of receipt of a copy of this order.”

(b) In compliance with the order dated 22.04.2013, the Respondents granted terminal benefits to the Petitioner and paid the entire amount, which included arrears of salary on 14.09.2013, commutation and pension on 20.12.2013, salary for the re-employment period on 17.03.2014, gratuity on 18.03.2014, and earned leave on 18.03.2014. However, despite paying the retirement benefits, the Respondents failed to pay the interest for the delayed payment, to which the Petitioner was legally entitled from 01.04.2003. After the Petitioner received his terminal benefits, he submitted a representation on 28.03.2014 to the Respondents and the District Collector, Dindigul, requesting 12% interest as per Rule 45-A of the Tamil Nadu Pension Rules. The District



W.P.(MD)No.18672 of 2021

WEB COPY

Collector responded on 28.07.2014, asking the Petitioner to provide a Court order or Government Order in his favour. Meanwhile, the Petitioner filed another Writ Petition in W.P.(MD)No.17937 of 2014, seeking 12% interest on the delayed payment of his retirement benefits and this Court vide order dated 22.10.2019 disposed of the Writ Petition in the following terms:

“3.Having regard to the limited scope of prayer that is now sought before this Court by the learned counsel for the petitioner, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to pass the following direction:-

“The respondents are directed to consider the petitioner's representation dated 28.03.2014 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. In case, the petitioner's representation referred to in this writ petition is not available with the respondents, the petitioner, upon intimation by the respondent, shall submit a fresh representation within a period of one week and the respondents are directed to dispose of such representation within a period of four weeks from the date of receipt of such representation.”

4.Accordingly, the Writ Petition is disposed of. No costs”



W.P.(MD)No.18672 of 2021

WEB COPY

3. The Petitioner's counsel further submits that, in compliance with the order dated 22.10.2019 passed in W.P.(MD)No.17937 of 2014, the Petitioner submitted a representation to the Respondents seeking the aforementioned relief. However, the said representation was rejected by the 2nd Respondent through an order dated 27.01.2021.
4. Heard Mr.V.Karthik Raja, For M/s.Ajmal Associates, learned counsel for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents.
5. The learned counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that the impugned order dated 27.01.2021 was passed without considering the Petitioner's claim and without adhering to the due procedure of law. In such circumstances, the Petitioner has filed the present Writ Petition.
6. Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, while reiterating the averments made in the counter affidavit, submits that although the benefits had been settled, the petitioner has now approached this Court for the third time, seeking the aforementioned relief. He further submits that although the Petitioner is not estopped from approaching the Court, he is seeking a relief to which



W.P.(MD)No.18672 of 2021

WEB COPY

he is not genuinely entitled. This is because the main relief had already been granted through the order dated 22.04.2013. Therefore, the representation filed by the Petitioner was rightly rejected by the impugned order, as W.P.No.21029 of 2004, which was finally decided on 22.04.2013, did not contain any direction regarding payment of interest on his retirement dues.

7. He also submits that in the second Writ Petition, W.P.(MD)No.17937 of 2014, this Court directed the Respondents to consider the Petitioner's representation and pass orders. Pursuant to this direction, the Respondents rejected the Petitioner's representation by an order dated 27.01.2021, which is now impugned in this Writ Petition. By doing so, the Respondents have fully complied with the Court's order dated 22.10.2019 in W.P.(MD)No.17937 of 2014. Therefore, no relief can be granted to the Petitioner in the present Writ Petition. As the Writ Petition lacks merit, it is liable to be dismissed with costs.
8. After considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate to observe that the present Writ Petition appears to have been filed by the Petitioner solely to obtain an order from this Court, as the main relief had already been granted by this Court vide order dated 22.04.2013 in W.P.No.21029 of 2004. Furthermore, the



W.P.(MD)No.18672 of 2021

WEB COPY

Petitioner has already received his entire terminal benefits, as stated earlier. Notably, in the earlier Writ Petition, the Petitioner did not seek any relief regarding interest on his retirement terminal benefits, and this Court did not pass any direction to that effect in its order dated 22.04.2013. The Petitioner, having obtained an order from this Court on 22.04.2013, again approached this Court in the very next year by filing W.P.(MD)No.17937 of 2014. This Court, without going into the merits of the case, disposed of W.P.(MD)No.17937 of 2014 vide order dated 22.10.2019, directing the Petitioner to submit a representation, which the Respondents were to decide in accordance with law. Subsequently, when the Petitioner submitted the representation, it was rejected on the ground that the Petitioner was not entitled to the interest claimed. Aggrieved by this impugned order, the Petitioner has filed the present writ petition, which marks the third round of litigation before this Court.

9. Thus, the averments made in the counter affidavit appear to be genuine, as the Petitioner seems to have filed the present Writ Petition solely with the intention of obtaining an order from this Court. Notably, the Petitioner has already approached this Court twice earlier, and a detailed order was passed on 22.04.2013, pursuant to which all payments were made, as acknowledged by the Petitioner and thereafter the Respondents after considering the Petitioner's entire claim and representation in accordance with law, in compliance with the order of this Court dated 22.10.2019,



W.P.(MD)No.18672 of 2021

WEB COPY

passed the impugned order dated 27.01.2021 rejecting the claim of the Petitioner after considered the entire record and a reasoned and speaking order was passed, thus this Court also do not find any justification to entertain with the impugned order and the same is rightly passed. Thus, the present Writ Petition is devoid of merits and is liable to be dismissed.

10. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

12-02-2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Nsr

To:

- 1.The Director of School Education,
O/o. The Director of School Education,
D.P.I. Campus, College Road,
Chennai - 6.
- 2.The District Educational Officer,
Palani,
Dindigul District.



WEB COPY



W.P.(MD)No.18672 of 2021

SHAMIM AHMED, J.

Nsr

W.P.(MD)No.18672 of 2021

13.02.2025