



W.P.(MD)No.25357 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.25357 of 2023

Kanagasabai

... Petitioner

Vs.

1.The Registrar,
Annamalai University,
Annamalai Nagar-608 002,
Cuddalore District.

2. The Vice-Chancellor,
Annamalai University,
Annamalai Nagar-608 002,
Cuddalore District.

3. The Deputy Director,
Local Fund Audit Department,
Annamalai University Campus,
Cuddalore District.
*(R3 is suo motu impleaded vide court order
dt 30.11.2023 in W.P.(MD).No.25357 of 2023
by RVJ)*

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to disburse the retirement benefits such as pension, Gratuity, Commutation of pension, Leave Salary, Dearness allowance etc., and all other attendant benefits with accrued interest thereon for the belated payment of monetary benefits at the rate of 18% by considering the petitioner mother representation dated 17.04.2023.

For Petitioner : M/s.M.Rajeswari

For Respondent Nos.1 & 2 : Mr.Nawaz Khan
for
Ajmal Associates

For Respondent No.3 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition has filed seeking Writ of Mandamus to direct the respondents to disburse retirement benefits such as Pension, Gratuity, Commutation of Pension, Leave Salary, Dearness Allowance etc., and all other attendant benefits with accrued interest thereon for the belated payment of monetary benefits at the rate of 18% by considering the representation dated 17.04.2023.



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WEB COP 2. The petitioner is the son of one Late.Chandrasekar, who worked as Assistant in the first respondent university and died on 05.12.2016 in harness. It appears that the monetary benefits for which the legal heirs of the deceased employee have to be paid are not settled so far. Petitioner's mother submitted a representation on 17.04.2023, requesting to disburse all monetary benefits, for which the legal heirs of the deceased employees are entitled. Against the inaction of the respondents to consider the said request, the present writ petition has been filed.

3. During the course of hearing, Mr.N.Satheeshkumar, learned Additional Government Pleader appearing for the third respondent on instructions submitted that they have submitted audit certificate to this effect and they have no further role in the present writ petition.

4. The learned Standing Counsel appearing for the Respondent Nos.1 and 2 on instructions submits that basing on the audit certificate issued by the third respondent, the first respondent issued proceedings on 26.02.2025 and the file is under progress and they will settle the payment of remaining 50% of death cum



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retirement gratuity and other benefits to the petitioner. He further submits that

the amount of Rs.6,87,373/- has been disbursed on 29.05.2018, 12.12.2018 and 17.12.2020 towards settlement of Earned Leave and Un-Earned Leave on private affairs and gratuity respectively. The payment of remaining 50% of death cum retirement gratuity and Earned Leave surrender encashment will be disbursed within a period of two weeks. To substantiate his contention he has placed proceedings No.J9/45367/2017 dated 26.02.2025 issued by the first respondent which is placed on record.

5. Considering the submissions of the respective counsels and taking into consideration of the facts and circumstances of the case, this writ petition is disposed of with the following directions:

i) the first respondent shall settle the payments as mentioned in his order dated 26.02.2025 within a period of two weeks from today.

ii) It is made clear that this Court is not inclined to order payment of interest as sought by the petitioner in the present writ petition at this stage. If, the petitioner intends to claim interest considering the delay in payment, it is open to the petitioner to ventilate his grievance in accordance with law.



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WEB COPY There shall be no order as to costs.

25.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



WEB COPY



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BATTU DEVANAND, J.

gvn

To:

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Cuddalore District.
2. The Vice-Chancellor,
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