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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

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**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

and

**THE HONOURABLE MR. JUSTICE N.DILIP KUMAR**

**W.A(MD)No.194 of 2021**  
**and C.M.P.(MD).Nos.595 of 2021 and 2447 of 2022**

1.The Secretary to Government,  
Home Department,  
St.George Fort,  
Chennai.

2.The Commandant,  
14<sup>th</sup> Battalion, Tamil Nadu Special Police,  
Palani,  
Dindigul District.

: Appellants

Vs.

R.Vijayakumar,  
Deputy Superintendent of Police (Retired),  
Assistant Commandant,  
Tamil Nadu Special Police 14<sup>th</sup> Battalion,  
Palani,  
Dindigul District.

... Respondent

Prayer:This Writ Appeal is filed under Clause 15 of Letters Patent Act,  
against the order passed by this Court in W.P.(MD)No.12808 of 2014,  
dated 09.12.2019.

For Appellants : Mr.M.Mahaboob Athiff,  
Special Government Pleader

For Respondent : Mr.V.P.Rajan



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## **JUDGMENT**

(Judgment of the Court was made by **M.DHANDAPANI.J.**)

This Intra-Court Appeal has been filed challenging the order passed by the learned Single Judge of this Court in W.P.(MD)No.12808 of 2014, dated 09.12.2019.

2. The learned Special Government Pleader appearing for the appellants would submit that the respondent was working as the Inspector of Police at R.S.Mangalam Police Station. He was placed under suspension on account of the pendency of a criminal case. Subsequently, a punishment was imposed on him. Thereafter, G.O.(D)No.646 was passed, whereby the punishment imposed on the respondent was set aside on 06.07.2011. He would further submit that, in the meanwhile, the respondent retired from service on 31.01.2011. After the punishment was set aside, the respondent submitted a representation to the Government seeking regularisation of the period of suspension and consequential calculation of his pensionary benefits. He had also submitted a representation dated 02.03.2011 requesting the competent authority not to disburse the pensionary benefits until the issue was settled. Therefore, the pensionary benefits could not be settled in favour of the respondent immediately. It is further submitted that, after regularisation of the period of suspension/leave, the pensionary benefits were ultimately



disbursed to the respondent on 17.07.2012. Claiming interest for the period from 31.01.2011 till November 2012 (23 months), the respondent sent a representation to the first appellant on 06.02.2014. However, the same was not considered. Thereafter, the respondent herein filed W.P. (MD)No.3434 of 2014 before this Court and this Court directed the second appellant herein to consider the representation submitted by the respondent and disposed of the above said writ petition on 28.02.2014. However, the above said representation came to be rejected by the authority on 06.05.2014.

2.(i). The learned Special Government Pleader appearing for the appellants would submit that, admittedly, the pensionary benefits could not be settled in favour of the respondent immediately, particularly in view of his representation dated 02.03.2011 requesting the authorities not to disburse the pensionary benefits. Therefore, the delay in disbursement of the pensionary benefits cannot be attributed to the appellants. Hence, the order passed by the learned Single Judge setting aside the impugned order is not sustainable.

2.(ii). The learned Special Government Pleader would further submit that the learned Single Judge has awarded interest at the rate of 18%, which is excessive and unsustainable, particularly when the appellants are not carrying on any commercial or profit-making activity



with the amount payable to the respondent. He would therefore submit that, if at all the respondent is entitled to interest, the same may be restricted to the period from 06.07.2011, the date on which the punishment was set aside, and the rate of interest may also be suitably reduced.

3. The learned counsel appearing for the respondent, on the other hand, would submit that the respondent is entitled to reasonable interest on the pensionary benefits which were belatedly disbursed to him.

4. We have considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

5. It is not in dispute that the punishment imposed on the respondent was set aside by G.O.(D)No.646, dated 06.07.2011. It is also not in dispute that the pensionary benefits were ultimately disbursed to the respondent on 17.07.2012. Having regard to the fact that the respondent had himself submitted a representation dated 02.03.2011 requesting the authorities not to disburse the pensionary benefits, we are of the view that the appellants cannot be mulcted with liability to pay interest for the period prior to 06.07.2011. However, after the punishment was set aside on 06.07.2011, the pensionary benefits ought to have been



settled within a reasonable period. Since the amount was ultimately disbursed only on 17.07.2012, the respondent is entitled to reasonable interest for the period from 06.07.2011 till 17.07.2012.

6. Considering the facts and circumstances of the case, we are of the view that the interest awarded by the learned Single Judge at the rate of 18% per annum is excessive. In the interest of justice, the rate of interest is modified to 6% per annum on the pensionary benefits payable to the respondent for the period from 06.07.2011 till 17.07.2012.

7. Accordingly, the order passed by the learned Single Judge in W.P.(MD)No.12808 of 2014, dated 09.12.2019, is modified to the above extent. The appellants are directed to calculate and pay interest at the rate of 6% per annum on the delayed pensionary benefits for the period from 06.07.2011 to 17.07.2012, if not already paid, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above modification, this Intra-Court Appeal stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**[M.D.I.,J] [N.D.K.,J]**  
11.08.2026

Index:Yes/No  
Internet:Yes/No  
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**M.DHANDAPANI, J**

**AND**

**N.DILIP KUMAR, J**

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Judgment made in  
W.A(MD)No.194 of 2021

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