



WP(MD). No.21052 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08/07/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.21052 of 2023

G.Arockiyasamy

... Petitioner

Vs

1. The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2. The District Collector,
Sivagangai District, Sivagangai.

... Respondents

PRAYER:- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to make payment of 10 percent interest for belated payment of Pension and Commutation of Pension in continuation of G.O. (1D) No.45 Revenue Department dated 11.02.2019 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.C.Jeganathan

Counsel for Government of Tamil Nadu



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ORDER

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The petitioner herein, who worked as the Village Administrative Officer Kannankottai Group, Devakottai Taluk, Sivagangai District was subjected to disciplinary proceedings on certain allegations under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules vide charge memo dated 18.02.2011. During pendency of the said disciplinary proceedings, the petitioner attained the age of superannuation on 31.10.2013 and accordingly, he was relieved from the said post. However, he was not permitted to retire from service in view of pendency of the disciplinary proceedings and the said disciplinary proceedings were continued under Rule 9 of Tamil Nadu Pension Rules, 1978. The said disciplinary proceedings ultimately ended in passing an order by the Government vide G.O(2D)No.170, Revenue and Disaster Management, Survey and Settlement Wing SS4 (2) Section dated 24.05.2017 dropping further action on the said charges. It was thereafter the Revenue Regional Officer concerned issued proceedings in Na.Ka.No. 2-3046-2014, dated 23.06.2017 permitting the petitioner to retire from service with effect from 31.10.2013.



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2. It was thereafter, the terminal benefits of the petitioner were settled, however, without any interest for the delayed payment. Hence, the petitioner has approached this Court by filing WP(MD) No. 174 of 2018 and the said writ petition has been disposed of by this Court vide order dated 20.01.2018 directing the respondents to pay interest at the rate of 18% on DCRG under Rule 45(A) of Tamil Nadu Pension Rules 1978 and interest at the rate of 12% for other benefits and the respondents therein were directed to compute the interest payable to the petitioner and to pay the same within a period of twelve weeks. Pursuant to the said order dated 23.01.2018, the respondents have paid the interest on the DCRG amount vide orders issued in G.O(1D)No.45, Revenue and Disaster Management Department Services Wing, Services 7(1) Section dated 11.02.2019.

3. However, no interest has been paid for the other terminal benefits which were paid belatedly to the petitioner. Hence, the petitioner once again approached this Court by filing WP(MD)No. 14071 of 2019 and the said writ petition came to be disposed of by this Court vide order dated 12.04.2022 directing the respondents to dispose of the



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representation date 11.02.2019 submitted by the petitioner for payment of interest and the belated settlement of terminal and pensionary benefits.

However, no orders have been passed or communicated to the petitioner pursuant to the above said order dated 12.04.2022. Hence, the petitioner has approached this Court by filing the present writ petition.

4. In response to the notice issued by this Court, the first respondent filed a counter affidavit contending that in terms of the order dated 12.04.2022 passed by this Court, the respondents have already issued a Government Letter No.10181/Ser.7(1)/2022 dated 23.11.2023 refusing the claim of the petitioner for payment of interest for the belated payment of the terminal benefits other than DCRG as there is no enabling provision for payment of interest in Tamil Nadu Pension Rules, 1978. The respondents also reiterated the stand in the counter affidavit filed by them.

5. The learned counsel for the petitioner contends that whether there is any provision in the Rules 1978 or not, the fact remains that the terminal benefits for which the petitioner is entitled to as early as on in



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the year 2013 have been released belatedly in the year 2017 and therefore, the respondents are liable to compensate the petitioner for the belated payment.

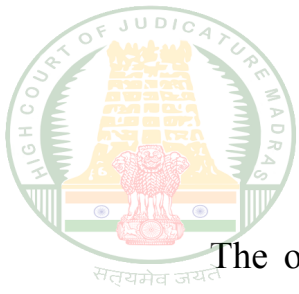
6. On the other hand, Mr.C.Jegannathan, learned Government Counsel appearing for the respondents contends that in terms of the order dated 02.04.2022 passed by this Court in WP(MD)No.14071 of 2019, the respondents have considered the representation and issued proceedings dated 23.11.2023 and therefore, it is for the petitioner to take appropriate steps against the said proceedings and cannot maintain the present writ petition for the very same relief which was sought for in the earlier round of litigation.

7. No doubt, the relief sought in the present writ petition is identical to the relief sought in WP(MD)No. 14071 of 2019. Admittedly, the respondents have not passed any orders pursuant to the orders passed in WP(MD)No.14071 of 2019 till the petitioner filed the present writ petition. It is only during the pendency of the present writ petition, the respondents have issued the proceedings dated 23.11.2023 rejecting the



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claim of the petitioner for payment of interest on the terminal benefits other than DCRG. There is no dispute on the factual aspects. The petitioner is now aged 71 years, who retired from service on attaining the age of superannuation in the year 2013, that is 13 years back. In the normal course, this Court would have required the petitioner to take appropriate steps against the proceedings dated 23.11.2023 issued by the respondents instead of entertaining the present writ petition. But in the instant case, this is the third round of litigation the petitioner is before this Court claiming interest on the belated payment of terminal benefits to the petitioner. As already noted above, a Coordinate Bench of this Court as early as on 23.01.2018 directed for payment of 12% interest on the terminal benefits other than the DCRG amount. The said order has been violated by the respondents. But when the same was complained before this Court, this Court has chosen to close the contempt petition, leaving it open to the petitioner to pursue the remedies otherwise open to him. Thus, it is evident that the petitioner, having obtained an order on 23.01.2018, has failed to take appropriate steps for implementation of the said order and instead once again approached this Court by filing WP(MD)No. 14071 of 2019 and again by filing the present writ petition.



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The order passed by this Court on 23.01.2018 in WP(MD)N0. 174 of 2018 has attained finality. Therefore, the liability of the respondents to pay interest on the belated payment of terminal benefits cannot be denied. But in the proceedings dated 23.11.2023, the respondents have failed to take note of the said order dated 23.01.2018. Thus, it is evident that the right to claim interest on the belated payment of terminal benefits is accrued to the petitioner as early as on 23.01.2018 which remains uninterrupted as on date. But for the failure on the part of the respondents to implement the said order, the petitioner would have got the benefit of interest at 12%. For the reasons best known, the petitioner has not chosen to take necessary steps for getting the benefit of the said order and instead approached this Court by filing the present writ petition claiming interest at 10% on the delayed payment of terminal benefits. Thus, it is evident that the petitioner has given up his right under the said order dated 23.01.2018 to claim interest at 12%.

8. From the above, it is evident that the terminal benefits for which the petitioner is otherwise entitled to under law as on the date of his superannuation, that is, on 31.10.2013 has been paid belatedly only in

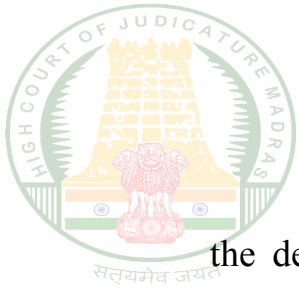


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the year 2017. Thereby, the petitioner is deprived of enjoying the said amount and the said amount has been illegally retained by the respondents. The petitioner is required to be compensated appropriately and as held by the Honorable Apex Court, the said compensation has to be calculated in terms of interest.

9. The next question that would arise for consideration is whether at what rate the petitioner is entitled to interest. This Court, in all service matters where there is a delay in payment of release of terminal benefits, is consistently awarding interest at 6% on the belated payment of terminal benefits. The learned counsel for the petitioner also placed before this Court various such orders passed by the Coordinate Benches of this Court. The learned Counsel for Government appearing for the respondents does not dispute the fact that this Court has been awarding interest at rate of 6% per annum for the delayed payment of terminal benefits consistently.

10. In the light of the above, this writ petition is disposed of directing the respondents to pay interest at the rate of 6% per annum on



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the delayed payment of other terminal benefits, such as Commutation value etc. other than DCRG as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order. No costs.

08.07.2026

NCCC : Yes/No
Index : Yes/No
Internet : Yes/No
CM

TO

1. The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2. The District Collector,
Sivagangai District, Sivagangai.



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MUMMINENI SUDHEER KUMAR,J

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