

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2015

CORAM:

THE HON'BLE MR. JUSTICE D. HARIPARANTHAMAN

W.P. No.1429 of 2015

V.Ramasamy

Petitioner

vs.

1.The Secretary to Government,
School Education (E2) Department,
Fort St. George,
Chennai - 600 009.

2.The Director of School Education,
D.P.I Compound,
College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Namakkal District.

4.The Principal Accountant-General (A&E),
Tamil Nadu,
No.261, Anna Salai,
Chennai - 600 018.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking writ of certiorarified Mandamus calling for the records relating to the impugned order bearing Letter No.11340/CC1(1)/2014-3 dated 17.11.2014 passed by the first respondent and quash the same and consequently direct the first respondent to pay interest at 18% p.a from July 1999 to May 2013 to the petitioner on the belated payment of retired benefits such as gratuity, encashment of earned leave pay fixation arrears.

For petitioner : Mr.M.Ramadoss

For RR1 to 3 : Mr.S.Gunasekaran
Government Advocate

For R.4 : Mr.V.Vijayashankar

ORDER

Seeking to quash the impugned order bearing Letter No.11340/CC1 (1)/2014-3 dated 17.11.2014 passed by the first respondent and consequently direct the first respondent to pay interest at 18% p.a from July 1999 to May 2013 to the petitioner on the belated payment of retired benefits such as gratuity, encashment of earned leave pay fixation arrears, the petitioner has come up with this writ petition.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel for the fourth respondent.

3.The petitioner was working as a B.T Assistant at Government Higher Secondary School, Mohanur, Namakkal District. He retired from service on 30.06.1999. Though he was paid regular pension, Death cum Retirement Gratuity (DCRG) was paid to the petitioner only on 28.03.2013.

4. DCRG was not paid by the respondents to the petitioner on the sole reason that excess pay was granted to him to the tune of Rs.2,30,891/-. The order sought to recover the aforesaid amount of Rs.2,30,891/- was successfully assailed by the petitioner before this Court. The recovery order was quashed thereafter. The DCRG was paid to the petitioner on 28.03.2013.

5.In the said circumstances, I am of the view that the petitioner cannot be deprived of interest as provided under Rule 44 of the Tamil Nadu Pension Rules. Even the Rule does not provide for interest, a Division Bench of this Court in Government of Tamil Nadu v. M.Deivasigamani (2009 (3) MLJ 2001) has held that the Government employee is entitled to interest for the belated settlement of terminal benefits.

6.In this case, as stated above, the Tamil Nadu Pension Rules provides for payment of interest in the case of belated payment of DCRG. Hence, a direction is issued to the respondents to pay interest as per the provision of the Tamil Nadu Pension Rules, on the belated payment of DCRG to the petitioner and to pay interest to other terminal benefits, if those terminal benefits are settled belatedly, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Secretary to Government,
School Education (E2) Department,
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Chennai - 600 009.

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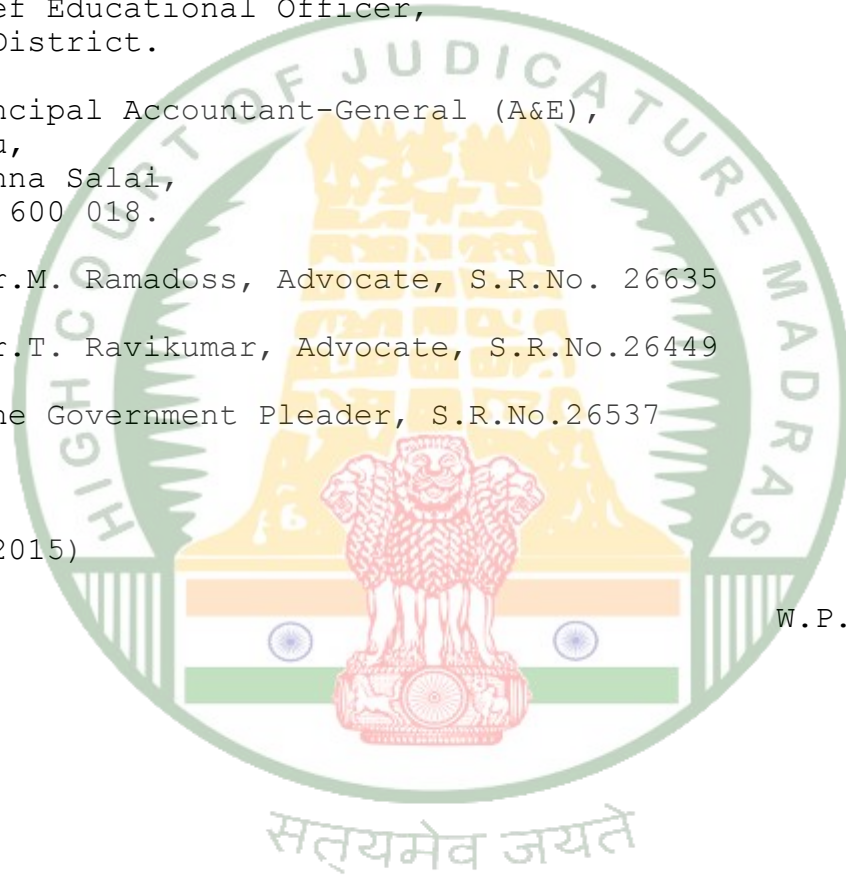
+1cc to Mr.M. Ramadoss, Advocate, S.R.No. 26635

+1cc to Mr.T. Ravikumar, Advocate, S.R.No.26449

+1cc to the Government Pleader, S.R.No.26537

BVR(CO)
EU(17/06/2015)

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