

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2015

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.15815 OF 2015

D.Natarajan

...Petitioner

Vs.

1. Government of Tamil Nadu
Rep. by its Secretary,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
2. Director of Collegiate Education/
Public Information Officer,
DPI Complex, Nungambakkam,
Chennai - 600 006.
3. The Principal,
Arignar Anna Government Arts College,
Cheyyar, Tiruvannamalai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records in proceedings Omu.NO.42753/P4/2014, dated 20.11.2014 on the file of the second respondent herein and quash the same and direct the respondents to sanction and pay a sum of Rs.6,93,111/- towards interest on the belated payment of retirement benefits namely backwages, DCRG, commutation of pension and pension arrears paid in the year 2012-2013 tot he petitioner herein.

For Petitioners : Mr.S.Sadasharam

For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader

O R D E R

The petitioner was employed as Office Assistant in Arignar Anna Government Arts College at Cheyyar. He was dismissed from service by an order dated 15.09.2003. He filed W.P.No.32604 of 2004 seeking to quash the order of dismissal. This Court allowed that writ petition on 13.09.2011 and while quashing the order of dismissal, issued a direction to pay terminal benefits apart from paying the backwages, since the petitioner reached the age of superannuation 31.01.2006.

2. In those circumstances, the terminal benefits were settled to the petitioner in the year 2012, as per the impugned proceedings dated 20.11.2014 issued by the Public Information Officer in the office of the second respondent. Seeking to quash that order and to direct the respondents to pay interest on the belated payment of terminal benefits, the petitioner is before this Court.

3. Heard both sides.

4. The learned Government Advocate, on instructions, submitted that immediately after passing of the order by this Court dated 13.09.2011 in W.P.No.32604 of 2004m the benefits were settled to the petitioner in the year 2012. Hence, there is no delay in the settlement of terminal benefits.

5. On the other hand, learned counsel for the petitioner submitted that since the order of dismissal was set aside by this Court, the petitioner is entitled to interest on the belated payment of terminal benefits, otherwise, he would have received the terminal benefits in the year 2006 itself after his retirement on 31.10.2006.

6. I am in entire agreement with the submission made by the learned counsel for the petitioner. The respondents are bound to pay interest for the belated payment of DCRG, as per Rule 45-A of the Tamil Nadu Pension Rules and also have to pay interest on the belated settlement of terminal benefits as per the decision of this Court in GOVERNMENT OF TAMIL NADU, REPRESENTED BY THE SECRETARY TO GOVERNMENT VS. M.DEIVASIGAMANI [2009 (3) MLJ 1], wherein, the judgment of the Honourable Supreme Court in S.K.DUA VS. STATE OF HARYANA [2008 (3) SCC 44] was relied on.

7. In view of the same, I am inclined to quash the impugned order. Accordingly, the impugned order is set aside and a direction is issued to the first respondent to pay interest on the belated

payment of DCRG and also other terminal benefits within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

gg

To

1. The Secretary,
Higher Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. Director of Collegiate Education/
Public Information Officer,
DPI Complex, Nungambakkam,
Chennai - 600 006.
3. The Principal,
Arignar Anna Government Arts College,
Cheyyar, Tiruvannamalai District.

1 CC to Mr.S.Sadasharam, Advocate SR.No. 28832

1 CC to the Government Pleader, SR.No. 28974

सत्यमेव जयते

W.P.NO.15815 OF 2015

LRS (CO)
PSI (29.06.2015)

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