

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 17.2.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.30415 of 2013

K.Dorairaj

... Petitioner

versus

The District Collector,
Kanchipuram

... Respondent

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to pay interest (compound) on belated payment of pension after 12 years by deliberately delaying initial action which was taken even to Hon'ble High Court orders in W.P.No.5231 of 2007 (interim) dated 12.8.2010 for payment of minimum pension and also final order dated 18.10.2010 but initial action taken only after filing contempt petition nos.1511 of 2010 and 427 of 2011 and further disobeying orders in W.P.No.3884 of 2012 for payment of interest on belated payment of pension followed by orders in contempt petition no.1284 of 2013 dated 27.8.2013 and issue a direction.

For petitioner

Mr.K.Dorairaj, party-in-person

For respondent

Mr.M.S.Ramesh, A.G.P.

O R D E R

The petitioner worked as Senior Regional Manager in Tamil Nadu Civil Supplies Corporation. On attaining the age of superannuation, he retired on 30 June 1999. However, he was not paid the retirement benefits and gratuity amount, within the statutory period. The petitioner has made a request to the respondent to pay him interest on account of the delay. Since action was not taken to consider the said request, the petitioner is before this Court.

2. The respondent in his counter affidavit has contended that under the Tamil Nadu Pension Rules, there is no provision for payment of interest for belated payment of pension. With regard to gratuity, the respondent has stated that there was a delay of 8 years 3 months and 18 days in paying the gratuity amount. The respondent has made

recommendation for payment of a sum of Rs.10,908/- by way of interest and orders are awaited.

3. Heard the petitioner, who appeared as party-in-person. I have also heard Thiru.M.S.Ramesh, learned Additional Government Pleader.

4. There is no dispute that the petitioner was given pension and gratuity amount only after considerable delay. The respondent has taken up a contention that there is no provision for payment of interest towards belated payment of pension and as such, interest was not paid.

5. The Supreme Court in D.D.Tewari (D) Through Lrs. vs. Uttar Haryana Bijli Vitran Nigam Ltd. & Ors., 2014 (9) Scale 78, indicated that in case the amount due to the employee is withheld, the same would give rise to a claim for payment of interest. The Supreme Court in the subject case, found that the respondents have erroneously withheld payment of gratuity amount and therefore, a direction was issued to give interest @ 9% from the date of entitlement till the date of actual payment.

6. The petitioner was denied the amount due to him without any valid reason.

7. The factual matrix very clearly indicates that the petitioner was not paid the pension amount in spite of his retirement on 30 June 1999. The petitioner is therefore perfectly correct in his contention that he is entitled to interest on account of delay.

8. The respondent is directed to calculate the total period of delay in payment of pension and related arrears, besides gratuity, to the petitioner, and pay interest @ 9% from the date of entitlement till the date of actual payment. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

9. The Writ Petition is disposed of with the above direction. No costs. Consequently, M.P.No.1/2014 is also closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

tar

To

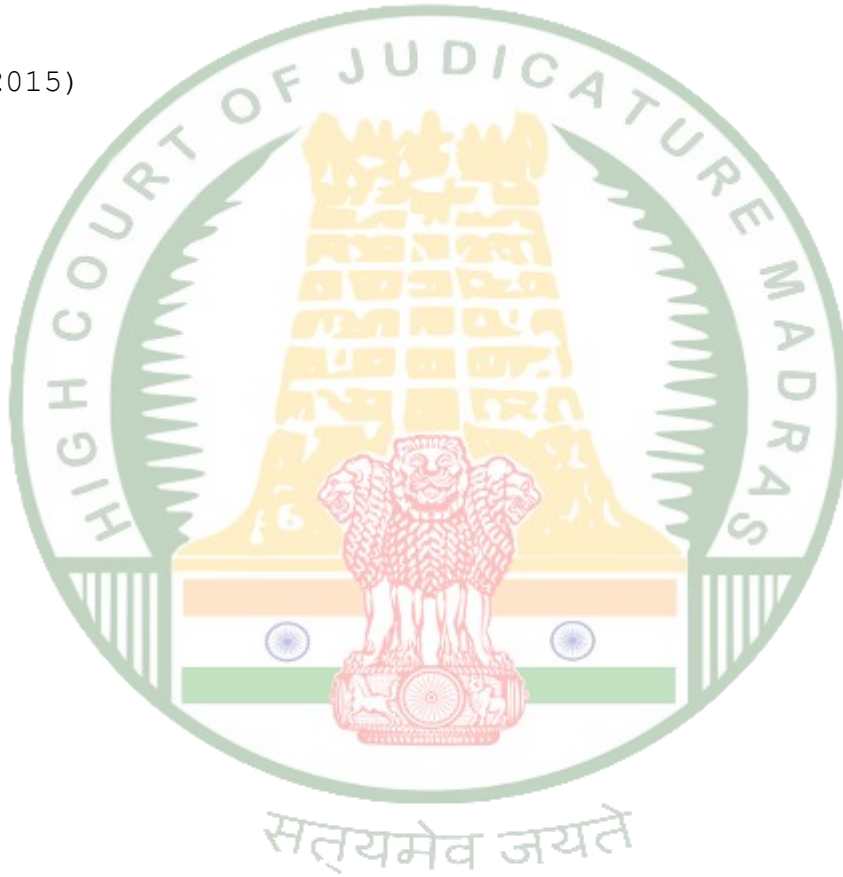
1. The District Collector,
Kanchipuram

+1cc to Mr.K.Dorairaj, Advocate, S.R.No.8845/15

+1cc to the Government Pleader, S.R.No.8767/15

W.P.No.30415 of 2013

SV(CO)
CA(26/02/2015)



WEB COPY