

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.02.2015

CORAM

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.732 of 2015

S.Raman

... Petitioner

vs.

1. The Government of Tamil Nadu,
rep.by its Secretary, Highways Department,
Fort St.George, Chennai-600 009

2. The Director General,
Highways Department,
Chepauk, Chennai-5

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to pay to the petitioner the interest for the retiral benefits from the date of due to the date of actual payment, viz., Rs.3,22,031/- (Rupees three lakh twenty two thousand thirty one only) towards DCRG from 01.12.2004 to 23.02.2014; Rs.21,380/- (Rupees twenty one thousand three hundred and eighty only) towards special provident fund Gratuity from 01.12.2004 to 01.12.2013; Rs.2,29,086/- (Rupees two lakh twentey nine thousand eighty six only) towards encashment of Earned and Unearned leave from 01.12.2004 to 01.12.2013; Rs.2,56,814/- (Rupees two lakh fifty six thousand eight hundred fourteen only) towards commutation of pension from 01.12.2004 to 10.04.2014 and Rs.5,12,921/- (Rupees Five lakh twelve thousand nine hundred and twenty one only) towards the arrears of pension from 1/12/04 to 10/4/2014 at a rate as may be fixed by this Court.

For Petitioner : Mr.N.Subramaniyan

For respondents : Mr.Roofus Abraham,G.A.

ORDER

The petitioner worked as Assistant Divisional Engineer and on attaining the age of superannuation, retired on 31.08.2004. It is the grievance of the petitioner that he was not paid the statutory

benefits within a reasonable period. The petitioner therefore submitted a representation on 3.9.2014, requesting the first respondent to pay interest on account of such belated payment. The present request is to direct the first respondent to pay interest.

2. It is trite that in case an authority has kept the amount payable to an employee unreasonably, he is entitled to get interest for the belated payment. The petitioner has given details of the payments made to him and the delay caused in paying such amount. The petitioner is therefore perfectly correct in his contention that he is entitled to get interest from the first respondent.

3. 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.

4. The learned counsel for the petitioner produced a copy of the order dated 21.02.2013, in support of his contention that under similar circumstances, pursuant to the direction issued by this Court, the first respondent has paid interest to the petitioner therein.

5. The first respondent is directed to pass appropriate orders, granting interest to the petitioner for belated payment, at the rate of 9% per annum. The payment should be made as expeditiously as possible and in any case, within a period of three months from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

MSK

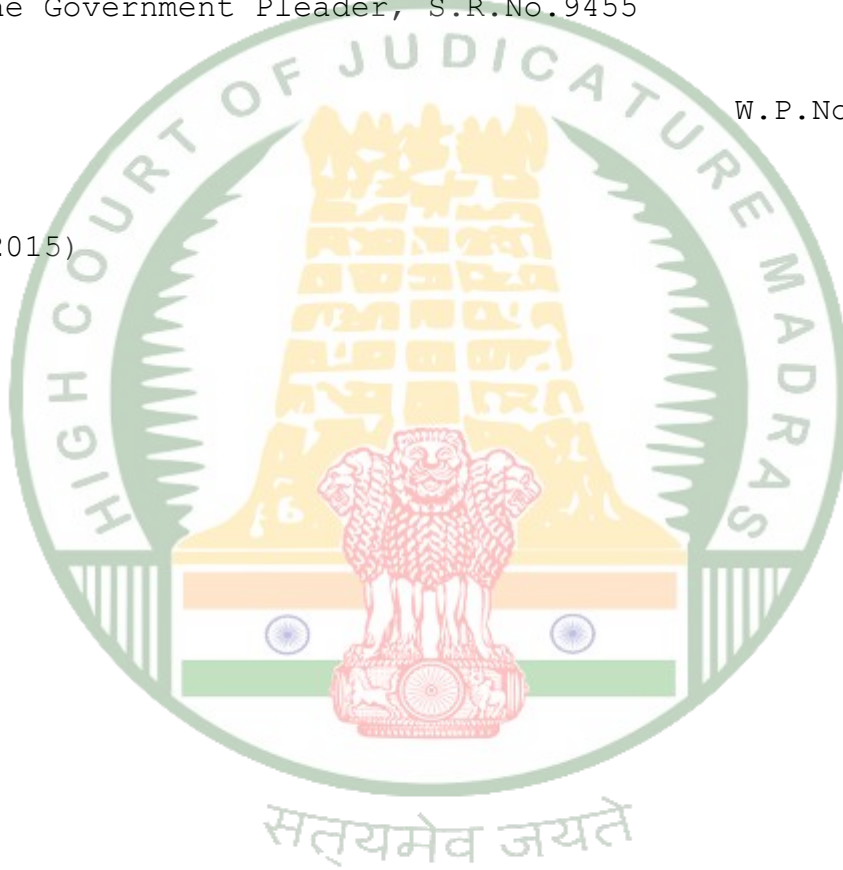
To

1. The Secretary, Highways Department,
Fort St.George, Chennai-600 009
2. The Director General,
Highways Department,
Chepauk, Chennai-5

+1cc to Mr.N.Subramaniyan, Advocate, S.R.No.9330
+1cc to the Government Pleader, S.R.No.9455

W.P.No.732 of 2015

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