



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2015

CORAM:

THE HONOURABLE MR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.A. (MD) No.20 of 2015

and

M.P. (MD) No.1 of 2015

- 1.The Secretary to Government,
Cooperation, Food and Consumer Protection Department,
Secretariat,
Chennai 600 009.
- 2.The Registrar of Cooperative Societies,
No.170, EVR Periyar High Road,
Kilpauk, Chennai 600 009.
- 3.The Joint Registrar of Cooperative Societies,
Theni Region,
Theni, Theni District. ... Appellants/Petitioners

Vs.

A.Sankaranatham

... Respondent/Respondent

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 18.07.2014 made in W.P. (MD) No.10294 of 2013.

Prayer in WP(MD)No.10294/13:-

To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent through his proceedings in Letter No. 4274/CH1/2013-3 dated 22/05/2013, quash the same and consequently directing the respondents to pay 12 % interest on the belated payments of petitioners retiral benefits other than the Death cum Retirement Gratuity .

For Appellants	: Mr.M.Alaguthevan, Spl.G.P.
For Respondent	: Mr.L.Shaji Chellan

JUDGMENT

(Judgment of this Court was delivered by S.TAMILVANAN, J.)

Heard the learned counsel appearing for the appellants as well as the learned counsel appearing for the respondent.

2. Challenging the order dated 18.07.2014 passed by a Learned Single Judge of this Court in W.P.(MD)No.10294 of 2013, the Writ Appeal has been preferred by the State and other authorities.

3. Learned Special Government Pleader appearing for the appellants has submitted that as per Rule 45-A of the Tamil Nadu Pension Rules, the interest for the belated period could have been fixed only at 8%. However, as per the impugned order, the appellants / petitioners were directed to pay interest at 10% per annum for the belated period. In support of his contention, the learned Special Government Pleader referred Rule 45-A of the Tamil Nadu Pension Rules, 1978. Rule 45-A reads as follows:

"45-A. Interest on delayed payment of gratuity -

(1) Interest at the rate of eight per cent per annum shall be payable on the death cum retirement gratuity paid beyond (a) period of two months from the date of retirement of a Government Servant."

4. There is no contra decision or legal arguments advanced by the learned counsel appearing for the respondent / Writ petitioner to convince the Court that the respondent / Writ petitioner is entitled to get 10% interest per annum in spite of Rule 45-A of the Tamil Nadu Pension Rules.

5. This order is passed having considered the fact that it is an admitted fact that the interest fixed at 8% is well settled as per Rule 45-A of the Tamil Nadu Pension Rules for which the respondent / Writ petitioner is entitled to.

6. On the aforesaid facts and circumstances, we could find no legal defence available to the appellants to deny the rights of the respondent, who already retired from service.

7. Having considered the same, we find it just and reasonable to modify the impugned order dated 18.07.2014 passed by the Learned Single Judge and dispose of the Writ Appeal itself. Accordingly, the appellants are directed to pay interest at the rate of 8% per annum for the belated period yet to be calculated and pay the same to the respondent / Writ petitioner within a period of four weeks from the date of receipt of a copy of this order, failing which, the respondent would be at liberty to file contempt petition against the concerned officer.



The Writ Appeal is disposed of accordingly. No costs. Consequently, connected M.P. is closed.

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Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government,
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3. The Joint Registrar of Cooperative Societies,
Theni Region,
Theni, Theni District.

+One cc to The Special Government Pleader, SR.No.3314

+One cc to Mr.L.Shaji Chellan, Advocate, SR.No.2617

nbg
RL/6 c- 13/2/2015

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