IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No. 7497 of 2007

(O.A.No.5354 of 2002)

T.R.Amirthalingam ...Petitioner

-Vs-

State of Tamil Nadu Rep.
By the Secretary to Govt.
Revenue (NiA3-2) Dept.,
Secretariat, Chennai-9. ...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to pay interest as per the Government Order on the belated payment of Death cum Retirement Gratuity, Special Provident Fund, Arrears of Pay, Encashment of Earned Leave and Commutation of Pension with costs.

For Petitioner : Mr.Singaravelan

For Respondent : Mr.P.Sanjay Gandhi AGP

O R D E R

The prayer in the writ petition is for a Mandamus directing the respondent to pay interest as per the Government Order on the belated payment of Death cum Retirement Gratuity, Special Provident Fund, Arrears of Pay, Encashment of Earned Leave and Commutation of Pension with costs.

2. The case of the petitioner is that he was last employed as Sub-Inspector of Survey in the office of the Assistant Director of Survey and Land Records, Salem. While the petitioner was in service, he was placed under suspension by an order dated 11.6.1990 and he was not permitted to retire on attaining his superannuation on 31.7.1990. Thereafter, an enquiry was conducted against the charges and since the charges were not proved, the Government issued G.O.(Ms). No.1402 dated 31.12.1996 dropping the charges against the petitioner and consequently, the petitioner was deemed to have been retired from services honourably.

3. Since the charges framed against the petitioner had not been proved and those charges were dropped by the Government Order referred to above, he had been paid the amount related to his service benefits such as DCRG, payment of arrears, encashment of Earned Leave, Special Provident Fund and commutation of pension for the period from 1.1.1996 to 31.5.2001.

4. The further case of the petitioner is that though all such payments have been made by the respondents, such payments had been made belatedly after very long years from the actual due date of payment of such service benefits. Therefore, the present writ petition has been filed to calculate the interest for the said period and to pay the same to the petitioner.

5. Heard both sides.

6. The aforesaid facts as projected by the petitioner are not controverted by the respondent and the learned Additional Government Pleader appearing for the respondent would submit that payment has already been paid and if at all anything is belatedly paid, the same is not at the fault of the respondent, but because of the pendency of the disciplinary proceedings.

7.This Court considered the rival submissions made by the parties.

8. The belated payment as has been submitted by the learned Government Pleader, is not at the mistake of the petitioner as the charges framed against him were not proved and the Government Order also to that effect was issued by the Government. Though the payment of service benefits under various heads as referred to above had been paid to the petitioner, the petitioner would be entitled to get a reasonable interest as per the Government norms which are in vogue. Therefore, this Court is of the view that the prayer as sought for in this petition can be allowed.

9. The interest for belated payment for the following service benefits to the petitioner has to be calculated as per the Government norms which are in vogue and the same shall be paid to the petitioner within eight weeks from the date of receipt of a copy of this order.

S.No.	Nature of the amount	Amount(Rs)	Payable date	Paid date
1.	D.C.R.G	34,502/-	August 1990	August 2000
2.	Payment of arrears	74,680/-	April 1991	15.6.99
3.	Encashment of Earned Leave	11,612/-	August 1990	10.2.2000
4.	Special P.F	6,905/-	''	13.9.2000
5.	Commutation of pension for the period from 1.1.96 to 31.5.01	79,519/-	''	18.6.2001

10. In the result, this writ petition is allowed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

State of Tamil Nadu Rep.
By the Secretary to Govt.
Revenue (NiA3-2) Dept.,
Secretariat, Chennai-9.

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SK(CO)
RVR 12/11/2016