

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Appeal No.408 of 2016
against
WP.No.19873/13

K.Kamalanabhan
Assistant (Selection Grade) (Retd)
No.56, Jayashree Nagar,
Pattunool Chatram
Sriperumbdur - 602 105
Kancheepuram District ..Appellant/Petitioner

Vs.

1. Commissioner of Agriculture
Agriculture Department,
Chepauk, chennai - 600 005
2. Joint Director of Agriculture
Kancheepuram
3. Government of Tamilnadu,
rep. By Secretary,
Agriculture Department,
Fort St. George,
Chennai - 600 009 ..Respondents/Respondent

Prayer : Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the portion of the order dated 06.02.2015 passed in W.P.No.19873 of 2013, namely, granting interest at the rate of 9% per annum instead of 12% per annum.

WP.No.19873/13: This Writ Petition filed under article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records in Letter No.001/11871/2012 dated 27.6.2013 on the file of the 2nd respondent and Quash the same and direct the respondents to pay compound interest at the rate of 12% per annum on Rs.29 904/- for the period from 31.05.1997 to 28.02.2012 the arrears sum of Rs.29 904/- paid representing the gratuity commutation of pension and pension

arrears and also the compound interest due till date of payment of the arrears of retirement benefits

For Appellant : Mr.S.Sadasharam
For respondents : Ms.A.Srijayanthi
Special Government Pleader

J U D G M E N T

(Judgment of the Court was made by HULUVADI G. RAMESH, J.)

Heard Mr.S.Sadasharam, learned counsel appearing for the appellant and Mrs.A.Srijayanthi, learned Special Government Pleader appearing for the respondents.

2. The appellant herein filed the Writ Petition seeking compound interest at the rate of 12% per annum on Rs.29,904/- (Rupees twenty nine thousand nine hundred and four only) for the period from 31 May 1997 to 28 February 2012, the arrears sum representing the gratuity, commutation of pension and pension arrears.

3. The learned Single Judge, while allowing the Writ Petition followed the Judgment of the Supreme Court in D.D.Tewari (D) Through Lrs. Vs. Uttar Haryana Bijli Vitran Nigam Ltd., & Ors., 2014 (9) Scale 78 and accordingly directed the second respondent to pay interest at the rate of 9% for the delayed period. Aggrieved by the said rate of interest, the present appeal is filed, seeking for enhancement of the rate of interest.

4. The learned counsel appearing for the appellant/writ petitioner, by reiterating the grounds taken in the Writ Appeal, submitted that as per Rule 45-A of the Tamil Nadu Pension Rules, 12% compound interest is payable for the belated payment of retirement benefits.

5. On the other hand, Mrs.A.Srijayanthi, learned Special Government Pleader, submits that the learned Single Judge issued the direction to the second respondent to give interest at 9%, as per the direction issued by the Supreme Court in the case of D.D.Tewari (D) (cited supra), and hence, no interference is called for in the order of the Writ Petition.

6. We have considered the rival submissions made on either side. The normal rate of interest given by the Bank is 11.25% as against certain deposits and it also varies from time to time, and hence, in these circumstances, the appellant seeking for a compound interest at higher percentage which is equivalent to the commercial rate of interest, in our considered view, is not permissible. Further, we are of the view that the learned Single

Judge, by following the Judgment of the Supreme Court reported in D.D.Tewari (D) Through Lrs. Vs. Uttar Haryana Bijli Vitran Nigam Limited & Others., (2014 (9) Scale 78 has rightly passed the direction to pay interest at the rate of 9%, which we are not inclined to interfere.

7. With the above observation, the Writ Appeal stands dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. Commissioner of Agriculture
Agriculture Department,
Chepauk, chennai - 600 005
2. Joint Director of Agriculture
Kancheepuram
3. The Secretary
Government of Tamilnadu,
Agriculture Department,
Fort St. George,
Chennai - 600 009

+1 cc to Mr.S.Sadasharam Advocate sr 47140
+1 cc to the Government pleader sr 46684

सत्यमेव जयते

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