IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2016

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THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.No.41245 OF 2016

K.Kamalanabhan .. Petitioner

-Vs.-

1. Commissioner of Agriculture,
   Agriculture Department,
   Chepauk, Chennai-5.

2. Joint Director of Agriculture,
   Kancheepuram.

3. Government of Tamil Nadu rep.
   by Secretary, Agriculture Department,
   Fort St. George, Chennai-9. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 18.02.2016 and pay at the rate of 12% compound interest on Rs.2,67,873/- under Rule 45-A of the Tamil Nadu Pension Rules.

For Petitioner : Mr.S.Sadasharam

For Respondents : Mr.R.Venkatesh,
Government Advocate

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 18.02.2016 and to pay at the rate of 12% compound interest on Rs.2,67,873/- under Rule 45-A of the Tamil Nadu Pension Rules.

3. According to the petitioner, he was employed as Assistant in the Agriculture Department from 1963 onwards and he was permitted to retire from service on attaining the age of superannuation on 31.05.1997 and the retirement benefits, namely, DCRG, Commutation of Pension, Pension Arrears and arrears of salary were paid to him belatedly in January 2011 after a period of 14 years. Prior to the same, the petitioner filed W.P.No.25774/2007 challenging the recovery proceedings and the same was allowed by this Court by order dated 21.04.2009. Since no interest was paid to the retirement benefits which were paid belatedly, the petitioner filed W.P.No.12034/2011 and the same was allowed by this Court by order

dated 16.06.2011. Thereafter, the interest amount was paid at 12% p.a. for the period from 01.09.1997 to 31.12.2010 after initiating contempt proceedings. Further the case filed by the petitioner seeking 12% interest for the total period in W.P.No.28102/2011 was also allowed by this Court by order dated 19.12.2012.

4. Further, according to the petitioner, the retirement benefits were paid to the petitioner calculating his qualifying service at 25 years and then it was revised as 26 years. When the petitioner was employed in the respondent establishment, he was placed under suspension from 09.07.1991 to 31.05.1997 and since that period was not taken into consideration to determine the qualifying service, the petitioner filed W.P.No.3003 of 2013 challenging the order dated 19.12.2012 and the same was also allowed directing the 2nd respondent to count the suspension period from 09.07.1991 to 31.05.1997 for pensionary benefits.

5. Since the fixation of pay for retirement benefits has not been done properly, the petitioner filed W.P.No.20514/2014 seeking a direction to the respondents to determine the pensionary benefits due and payable to him to revise the qualifying service taking the suspension period from 09.07.1991 to 31.05.1997 into consideration

towards qualifying service period according to FR 54-B and pay the arrears of a sum of Rs.2,36,861/- following the representations dated 13.05.2014 and 19.06.2014 and the same was also allowed by this Court by order dated 05.01.2015 giving liberty to the petitioner to submit a comprehensive representation along with statement of calculations to the 2nd respondent, who in turn, directed to consider the same and pass orders on merits.

6. Accordingly, the 2nd respondent passed an order dated 16.03.2015 determining the amount payable to the petitioner towards pension arrears and accordingly, a sum of Rs.2,67,873/- was also paid to him by the Accountant General of Tamil Nadu. Thereafter, the petitioner made a representation dated 09.09.2015 claiming interest for the said sum of Rs.2,67,873/- followed by another representation dated 15.05.2015. Since there was no response for the same, the petitioner sent another representation dated 10.12.2015. There is no reply for the same. Finally, the petitioner made a representation dated 18.02.2016 claiming interest on Rs.2,67,873/-, since according to him, as per Rule 45-A of the Tamil Nadu Pension Rules, he is eligible to get compound interest at the rate of 12% p.a. for the belated payment. Hence the present Writ Petition to consider the said representation dated 18.02.2016.

7. Heard the learned Counsel for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

8. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to forward a copy of the representation dated 18.02.2016 along with a copy of this Order to the respondents within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondents shall consider and pass orders on the same on merits and in accordance with law, within a period of six weeks thereafter.

9. The Writ Petition is disposed of accordingly. No costs.

24.11.2016

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Index : Yes/No
Internet:Yes/No

R.SUBBIAH, J.
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To

1. Commissioner of Agriculture,
   Agriculture Department,
   Chepauk, Chennai-5.

2. Joint Director of Agriculture,
   Kancheepuram.

3. Secretary, Government of Tamil Nadu,
   Agriculture Department,
   Fort St. George, Chennai-9.

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