



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) Nos.17806 of 2016

S.Chandrabose

... Petitioner

-vs-

1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
Madurai Division,
Collector's Complex,
Madurai - 625 020.

... Respondents

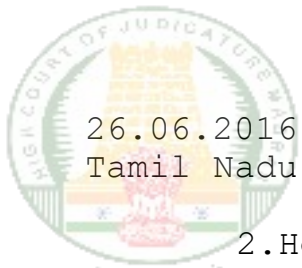
Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent i.e. the Secretary to Government Revenue Department Chennai to pass appropriate orders on the petitioner's representation dated 26.06.2016 regarding payment of interest as per rule 45(A) of the Tamil Nadu Pension Rules and as per the dictum of the Honble Supreme Court in Vijay L Mehrotra case reported in (2001) 9 SCC Cases 667 and followed in number of writ petitioners by the High Court within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Viswalingam

For Respondents : Mr.M.Alagadevan
Special Government Pleader

O R D E R

This Writ petition has been filed for the issuance of a writ of mandamus, seeking a direction to the first respondent to pass appropriate orders on the petitioner's representation dated



26.06.2016 regarding payment of interest as per rule 45(A) of the Tamil Nadu Pension Rules, 1978.

2. Heard Mr.S.Viswalingam, learned counsel appearing for the petitioner and Mr.M.Alagadevan, learned Special Government Pleader, who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. The petitioner was serving as a Village Administrative Officer at Melakkal, Vadipatti Taluk. Due to pendency of a vigilance case in Special Case No.5 of 2002 against the petitioner, he was not permitted to retire on 30.09.2005. The said case ended in conviction and fine amount was also imposed. Against which, an appeal has been preferred, wherein the conviction and fine amount were set aside. Thereafter, the petitioner was allowed to retire by the proceedings of the third respondent dated 20.01.2014 and after a long delay of ten years, retirement benefits were disbursed. Hence, the petitioner has given a representation dated 26.06.2016 to the respondents claiming compound interest for the belated payment of DCRG. As the same has not been considered so far, the present Writ petition has been filed.

4. The learned counsel for the petitioner submitted that the case of the petitioner is squarely covered by the decision reported in **(2001) 9 Supreme Court Cases 687 (Vijay L.Mehrotra v. State of U.P. and others)**, in which it has been held that *all retirement benefits should be paid on the day of retirement or soon thereafter, if for some unforeseen circumstances the payment should not be made on retirement day itself. As the payment was belated, there was also a direction to pay retiral benefits at the rate of 18% interest with effect from the date of retirement.*

5. It is agreeable for the respondents to consider the representation of the petitioner dated 26.06.2016.

6. Under such circumstances, the first respondent is directed to consider the representation dated 26.06.2016 in the light of the decision reported in **(2001) 9 Supreme Court Cases 687 (Vijay L.Mehrotra v. State of U.P. and others)**, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



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+1cc to Mr.S.Viswalingam, Advocate Sr.No. 53544

+1cc to Spl.Government Pleader Sr.No. 54685

JAM/14.10.16/GSV-PM/3p-6c

W.P (MD) No.17806 of 2016
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