



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2016

CORAM

WEB COPY

THE HON'BLE Dr.JUSTICE S.VIMALA**W.P(MD) No.20592 of 2016**

T.Senthamarai Selvan

... Petitioner

-vs-

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

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue aWrit of Mandamus directing the first and second respondents i.e the Secretary to Government, Revenue Department, Chennai and the District Collector, Sivagangai District, Sivagangai to pass appropriate orders on the petitioner's representation dated 25.06.2016 regarding payment of interest for belated payment of DCRG and Commutation of pension in the light of the provisions made under Rule 45(A) of the Tamil Nadu Pension Rules 1978 and as per the dictum of the Honble Supreme Court in Vijay L Mehrotra -Vs- State of U.P and others case reported in (2001) 9 SCC Cases 687 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.Murugan
	Government Advocate

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>
This writ petition has been filed for the issuance of a writ of mandamus, seeking a direction to the first and second



respondents to pass appropriate orders on the petitioner's representation dated 25.06.2016 with regard to payment of interest as per rule 45(A) of the Tamil Nadu Pension Rules, 1978.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate, 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 Keelakottai Group, Sivagangai Taluk and retired from service on 31.08.2013. As there is no disciplinary proceedings are pending against the petitioner, the petitioner is entitled to get retirement benefits within two months from the date of retirement. But, only after a direction from this Court in WP(MD)No.12745 of 2014 dated 10.09.2014, retirement benefits were disbursed to the petitioner. Hence, the petitioner has given a representation dated 25.06.2016 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 could 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. The learned counsel for the petitioner has also submitted that this Court has already passed an order in WP(MD)No.17806 of 2016 dated 20.09.2016, following the above said decision of the Hon'ble Supreme Court.

6. Under such circumstances, the first respondent is directed to consider the representation dated 25.06.2016 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 (CO)

/True copy/



To

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

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai.

+1 CC to M/s.S.VISVALINGAM, Advocate, SR No.64020.

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 64739

MJ

PSM/BS-MR/06.02.2017/3P/6C

W.P (MD) No.20592 of 2016
26.10.2016