

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2017

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THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A.NO.818 OF 2017
AND C.M.P.NO.11443 OF 2017

1. The Government of Tamil Nadu,
rep. by its Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Additional Chief Secretary/
Commissioner of Land Administration,
Revenue Department, Ezhilagam,
Chepauk, Chennai - 600 005. Appellants

Vs.

Mrs.Premavathy Respondent

APPEAL filed under Clause 15 of the Letters Patent against the order dated 03.10.2016 made in W.P.No.30028 of 2015 on the file of this Court.

Writ Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified mandamus to call for the records relating to the G.O.No. 236 dated 28.05.2015 passed by the 1st respondent and quash the same, in so far as the non payment of interest on belated payments towards Earned Leave surrender leave on Private affairs and pay commission arrears SPF 20, SPF 50 and salary and further direct the Respondents to pay interest for the belated payment of the following terminal benefits:-

1. Pay commission arrears :1.4.2008 to 23.7.2014
6 years 4 months
2. Earned leave surrender :26.1.2002 to 12.5.2014
12 years 4 months

3. Surrender on leave on Private affairs :26.1.2002 to 2.7.2014
12 years 6 months
4. Special provident fund Rs.20/- p.m. :26.1.2002 to 12.5.2014
12 years 4 months
5. Special provident fund Rs.50/- p.m. :26.1.2002 to 2.7.2014
12 years 6 months
6. Four days salary for January 2002 :26.1.2002 to 2.7.2014
12 years 6 months

and pass such further order:-

For Appellants : Mr.R.Prathap Kumar, AGP

For Respondents : Mr.S.Parthasarathy

JUDGMENT

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

1. This Writ Appeal is filed challenging the order dated 03.10.2016, passed in W.P.No.30028 of 2015, whereby, the learned single Judge directed the Government to pay interest for the belated payment of the terminal benefits.

2. The facts in brief are as follows:

The respondent herein is the mother of one Kanchana, who was appointed as Junior Assistant in the Revenue Department in the year 1993. She was transferred to the Office of the Commissioner of Land Administration, Chennai. It appears, that due to some matrimonial dispute, the said Kanchana nominated her mother, i.e., the respondent herein to receive her service benefits. The said nomination was effected in her service records. Due to the said matrimonial issues, the said Kanchana died on 25.1.2002. Since the terminal benefits due to the said Kanchana were not settled, the respondent, being the mother of the deceased Kanchana, had approached this Court by way of a Writ Petition.

3. This Court, by order dated 03.10.2016, allowed the Writ Petition observing as follows:

"7. Following the decision of the Hon'ble Supreme Court cited above, the present writ petition is allowed and the impugned order of the first respondent in G.O.No.236 dated 28.5.2015 in so far as

the non-payment of interest on belated payments towards earned leave surrender, leave on private affairs and pay commission arrears, SPF 20, SPR 50 and salary is set aside. The respondents are directed to pay interest at the appropriate rate for the belated payment of the terminal benefits of the petitioner viz.,

1. Pay commission arrears :1.4.2008 to 23.7.2014
6 years 4 months
2. Earned leave surrender :26.1.2002 to 12.5.2014
12 years 4 months
3. Surrender on leave on Private affairs :26.1.2002 to 2.7.2014
12 years 6 months
4. Special provident fund :26.1.2002 to 12.5.2014
Rs.20/- p.m. 12 years 4 months
5. Special provident fund :26.1.2002 to 2.7.2014
Rs.50/- p.m. 12 years 6 months
6. Four days salary for :26.1.2002 to 2.7.2014
January 2002 12 years 6 months

within a period of six weeks from the date of receipt of a copy of this order. No costs."

4. Aggrieved by the order of the learned single Judge granting interest on the belated payment, the State has filed the present appeal.

5. Learned Additional Government Pleader appearing for the appellants submitted that in pursuance of the direction of this Court in W.P.No.28814 of 2011, the terminal benefits due to the respondent has been sanctioned. Further, there is no specific rule provision for payment of interest to Earned Leave and Un-earned leave on private affairs, duty salary etc. He further submitted that the delay was only due to the legal dispute between the respondent and her family members and not on the part of the Government. Hence, the order of the learned Single Judge may be set aside.

6. Per contra, learned counsel appearing for the respondent submitted that it is well settled that an employee is entitled to interest on the belated payments. He relied upon G.O.(1D) No.271 dated 24.04.2017 and submitted that interest at the rate of 8% per annum was sanctioned by the Government in the case of

one Senthilvel. Hence, the appellants may be directed to grant interest for the belated terminal benefits.

7. Heard the learned Additional Government Pleader appearing for the appellants and the learned counsel appearing for the respondent and perused the materials placed before this Court.

8. As per G.O.(1D) No.271 dated 24.04.2017, on the terminal benefits, one would entitle for 8% interest. In that view of the matter, we are inclined to order interest at the rate of 8% per annum. Accordingly, the order of the learned Single Judge is modified to the extent that the respondent is entitled to interest at the rate of 8% p.a. from the date when the legal issue that has been settled between the respondent and the husband of the deceased, till the date of payment.

9. The Writ Appeal is disposed of accordingly. Consequently, the connected Miscellaneous Petition is closed. However, there will be no order as to costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
Government of Tamil Nadu
Revenue Department,
Fort. St.George,
Chennai-9

2. The Additional Chief Secretary,
Commissioner of Land Administration,
Revenue Department, Ezhilagam,
Chepauk, Chennai-5

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.53919

+1cc to the Government Pleader, S.R.No.53978

W.A.No.818 of 2017
and C.M.P.No.11443 of 2017

SS(CO)
CS/28/08/17