

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.19110 of 2014

M.M.Mohamed Salahudeen
Assistant Divisional Engineer (H) Ltd.,
118H/2C Razia Mahaal,
Rajeev Nagar, Edalakudi Post,
Nagercoil - 629 051 ..Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep.By its Secretary,
Highways Department,
Chennai - 9.
2. The Director General (H),
Highways Department,
Chepauk, Chennai - 5.
3. The Accountant General (A&E)
Tamilnadu, Chennai -18. ..Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to pay interest on Rs.6,59,138/- at a rate as may be fixed by this Hon'ble Court for a period from 01.05.2003 to till the date of payment, viz., for Rs.4,60,889/- with effect from 01.05.2003 to 15.09.2009 and for Rs.1,98,249/- with effect from 01.05.2003 to 22.09.2009, within a time from as may be fixed by this Hon'ble Court and pass such further or other order or orders as Hon'ble Court may deem fit and proper in the facts and services of the case.

For Petitioner : Mr.N.Subramaniyan

For Respondent : Mr.A.Zakkir Hussain
Nos.1 & 2 Government Advocate

ORDER

The relief sought for in this writ petition is for a direction to the respondents to pay interest on Rs.6,59,138/- for the period from 01.05.2003 to till the date of payment viz., for Rs.4,60,889/- with effect from 01.05.2003 to 15.09.2009 and for Rs.1,98,249/- with effect from 01.05.2003 to 22.09.2009.

2. At the outset, the writ petitioner claims that he is entitled for interest on all the belated disbursements of his retiral and pensionary benefits. Though the Government issued orders granting interest for belated payment of Death-cum-Retirement Gratuity, the same is not extended to other terminal benefits. But, in view of the Judicial pronouncement in various cases, the interest is extended to all the belated payments of terminal benefits. The reason behind is that it is the duty on the part of the Government to settle the retiral benefits in time to the Government servants and enable them to lead their retired life peacefully. Further, the retiral benefits are not bounty and it is deferred portion of the wages. The government employees are entitled to be honoured in time as per the rules but in many cases, the government is settling the retiral benefits after a prolonged period without furnishing any valid reason. In the absence of any justifiable reason, the Government employee is entitled to interest for all the belated payments of retiral and pensionary benefits. Such being the principle followed by Courts, this Court is of the view that the writ petitioner is also entitled to the same benefit. The counter filed by the first and second respondents is silent about any justifiable reason. Further, in para 4 of the counter, the respondents stated that in the case of one Thiru.Rajamani, the interest for belated payment was disbursed by the employer based on the order of this Court in Writ Appeal No.2909 of 2012 dated 3rd January 2013.

3. The learned counsel for the petitioner fairly submitted that currently, the writ petitioner is entitled to 9% interest on all belated disbursement of the retiral benefits. In this regard, the learned counsel cited the order of this Court dated 19.02.2015 passed in W.P.No.732 of 2015.

4. Following the same, this Court is inclined to consider the case of the writ petitioner and accordingly, the respondents are directed to pass appropriate orders granting interest to the writ petitioner for the belated payment of all the terminal benefits at the rate of 9% per annum and the amount should be calculated and the payment of arrears to be disbursed as expeditiously as possible and in any case, within a period of twelve weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition stands allowed.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms

To

1. The Government of Tamil Nadu,
Rep.By its Secretary,
Highways Department,
Chennai - 9.
2. The Director General (H),
Highways Department,
Chepauk, Chennai - 5.
3. The Accountant General (A&E)
Tamilnadu, Chennai -18.

+1cc to Mr.N.Subramaniyan, Advocate, S.R.No.37360
+1cc to the Government Pleader, S.R.No.37484

WP.No.19110 of 2014

RR(CO)
RS(28/06/2017)

सत्यमेव जयते

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