

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.12.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal No.2141 of 2013
and M.P.Nos.1 and 2 of 2013 and 1 of 2014

- 1.The Director of School Education,
College Road, Nungambakkam,
Chennai-600 006.
 - 2.The Director of Elementary Educational Officer,
College Road, Nungambakkam,
Chennai-600 006.
 - 3.The Chief Educational Officer,
Cuddalore.
 - 4.The District Educational Officer,
Cuddalore.
 - 5.The District Elementary Educational Officer,
Cuddalore.
 - 6.The Headmaster,
Government High School,
C.N.Palayam,
Cuddalore Taluk.
- .. Appellants
- Vs.
- S.Parthasarathy .. Respondent
- सत्यमेव जयते

Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court dated 30.08.2011 in W.P.No.16779 of 2010.

Writ Petition No.16779 of 2010 has been filed Under Article 226 of the Constitution of India praying to issue writ of mandamus Directing the 3rd Respondent to pay the interest for Rs.2,76,094/- (Rupees Two Lakhs Seventy Six Thousand and Ninety Four only) at the rate of 12% p.a. or the percentage of interest as this Court may consider better with effect from 01.10.1970 towards the belated payment of pensionary benefits

For Appellants : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For Respondent : Mrs.Padma Bharanidharan

JUDGMENT

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

This writ appeal has been filed against the order passed by this Court dated 30.08.2011 in W.P.No.16779 of 2010.

2.It is the case of the respondent that he retired as the School Headmaster and thereafter, his retirement benefits were paid belatedly and as a result, he is entitled for the interest for such belated payment of pensionary benefits. Originally, the respondent filed OA.No. 5148/1997 before the Tamil Nadu Administrative Tribunal and the Tribunal passed an order dated 09.04.2002 directing the appellants herein to award the pay scale of secondary grade middle school Headmaster from 02.10.1970 onwards on par with his juniors and the revised pay scale in the special grade pay with effect from 01.06.1988 and the consequential pensionary benefits with effect from the date of retirement of the respondent. Thereafter the respondent filed W.P.No.26289 of 2004 and a Division Bench of this Court passed an order to the effect that the Tribunal has already decided the case in favour of the respondent in respect of his entitlement and as such, the authorities were directed to arrive at the quantum. Thereafter, the pensionary benefits were paid to the respondent.

3.After payment of the pensionary benefits, the respondent has filed W.P.No.16779 of 2010 praying for a direction to the authorities to pay interest for Rs.2,76,094/- [Rupees two lakhs seventy six thousand and ninety four only], being the pensionary benefits, at the rate of 12% p.a., and this Court had issued a direction to pay interest on the arrears of the pensionary benefits which was paid belatedly, at the rate of 12% as per G.O.Ms.No.122 Finance [Pension] Department dated 20.02.1995.

4.Aggrieved by the same, the present writ appeal has been filed by the Department.

5.The learned Special Government Pleader appearing for the appellants has submitted that the respondent filed the original application before the Tribunal after a lapse of seven years from the date of retirement and the order was passed by the Tribunal after a period of 12 years from the date of his retirement. He further submitted that the respondent is not

entitled to receive any interest for pensionary benefits, from the Government. It is also his submission that if the order passed in the writ petition is implemented, it will set a bad precedent resulting in filing of a number of writ petitions with similar prayer. Stating so, he prayed to quash the order passed by the learned single Judge in the writ petition.

6.The learned counsel for the respondent has submitted that the learned single Judge has considered the matter in proper perspective and passed the impugned order and hence the same does not require any interference.

7.Heard the learned counsel on either side and perused the materials available on record.

8.It appears that the direction of the Tribunal revising the pay scale and to pay the consequential pensionary benefits have been complied with properly, by disbursing a sum of Rs.2,76,094/- to the respondent. After receiving the pensionary benefits, the respondent filed W.P.No.16779 of 2010 for a direction to award interest for the said sum and the learned single Judge has ordered to pay interest at the rate of 12% p.a., as per G.O.Ms.No.122 Finance [Pension] Department dated 20.02.1995. In this connection, it has to be noted that while calculating the arrears, many procedures are involved and it will take some time for the authorities in carrying out such work and the arrears would be granted only prospectively and hence the question of granting interest for the benefits already given, does not arise. It is pertinent to note that the respondent filed the original application before the Tribunal after a period of seven years from the date of his retirement and further the order has been passed by the Tribunal after 12 years of the retirement of the respondent.

9.In view of the above stated circumstances, we are of the considered opinion that the respondent does not deserve any interest for the pensionary benefits. Accordingly, the impugned order passed by this Court in the writ petition is set aside and the writ appeal is allowed. No costs. Consequently the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

KM

HULUVADI G.RAMESH, J.

To

- 1.The Director of School Education,
College Road, Nungambakkam,
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Government High School,
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Cuddalore Taluk.

+2cc to Mr.VEDANTHAM SRINIVASAN, Advocate, S.R.No. 87254
+1cc to the Government Pleader, S.R.No. 88132

W.A.No.2141 of 2013
and M.P.Nos.1 and 2 of 2013
and 1 of 2014

KNA (CO)
TR(03/01/2018)

सत्यमेव जयते

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