



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Writ Petition (MD) No.13944 of 2014
and
M.P(MD)No.1 of 2014

N.Roby

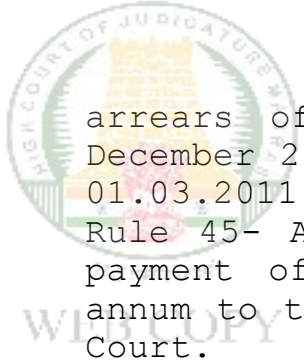
... Petitioner

Vs.

1. The Registrar General,
High Court of Madras,
Madras.
2. The Principal Accountant General (A&E),
New No.361, Anna Salai, Teynampet,
Chennai 18.
3. The Registrar (Administration),
The Madurai Bench of Madras High Court,
Madurai.
4. The Pay and Accounts Officer,
Pay and Accounts Office,
Madurai 1.
5. State of Tamil Nadu,
Rep by Principal Secretary to
Government, Public (Special)/Home (Courts I)
Department, Secretariat, Chennai
(R-5 impleaded as per order
dated 03.04.2017 made in
W.M.P(MD)No.2964 of 2017)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondents to pay interest from 01.12.2010 to 15.02.2012 at the rate of 12% per annum for the delayed payments of terminal benefits of Earned Leave and Unearned Leave on private Affairs of Rs. 904838/ and at the same rate of interest from 01.01.2010 to 15.02.2012 for the delayed payment of commuted value of pension of Rs. 1341172/- and at the same rate of interest for the



arrears of pension calculated for each and every month from December 2010 to 13.09.2012 and at the rate of 8% per annum from 01.03.2011 to 06.09.2012 compounded annually as provided under Rule 45- A of the Tamil Nadu pension Rules 1978 for the delayed payment of Death cum Retirement Gratuity of Rs.10,00,000/- per annum to the petitioner within a stipulated time as fixed by this Court.

For Petitioner : Mr.K.Prabhu
 For Respondents 1&3 : Mr.Pala.Ramasamy
 For 2nd Respondent : Mr.P.Gunasekaran
 For 4th Respondent : No appearance
 For 5th Respondent : Mr.V.Muruganandam,
 Additional Government Pleader.

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

The petitioner, who was formerly, a District Judge has approached this Court by way of this writ petition to direct the respondents and in particular, the fifth respondent who has been newly impleaded respondent to consider the petitioner's prayer for grant of interest on the delayed settlement of retirement benefits.

2.The petitioner's claim for interest is two fold. One is pertaining to statutory interest payable under the relevant Rules and another is by way of compensatory interest.

3.When the case came up for hearing on the earlier occasion, it appears that a direction was given to the petitioner to implead the Government, as it is the Government which has to consider the case of the petitioner as regards his entitlement for payment of interest on the retirement benefits. Therefore, the petitioner had filed a petition to implead the fifth respondent as party/ respondent in the writ petition which is ordered.

4.Learned Standing Counsel for the first respondent, on instructions, would submit that the petitioner's representation dated 03.07.2014 is still pending on the file of the first respondent.

5.Thus without going into the correctness of the petitioner's claim for interest or his entitlement, we direct the first respondent to forward the petitioner's representation dated 03.07.2014 to the fifth respondent with appropriate remarks. Such direction shall be complied with as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. On receipt of such representation along with the remarks of the first respondent, the fifth respondent is directed to consider the same and pass a speaking order and



communicate the same to the petitioner within a period of three months thereafter.

6.The writ petition is accordingly disposed of. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

WEB COPY

Sd/-

Assistant Registrar(A.S)

/True Copy/

Sub Assistant Registrar

To

- 1.The Registrar General,
High Court of Madras,
Madras.
- 2.The Principal Accountant,
General(A&E)New No.361,Anna Salai,
Teynampet, Chennai-18
- 3.The Registrar (Administration),
The Madurai Bench of Madras High Court,
Madurai.
- 4.The Pay and Accounts Officer,
Pay and Accounts Office, Madurai-1
- 5.State of Tamil Nadu rep by Principal Secretary to Government,
Public (Special)/Home(Courts I) Department,
Secretariat, Chennai - 9

+1cc to Mr.P.Gunasekaran, Advocate Sr.No.50353
+1cc to Spl.Government Pleader Sr.No.19407
+1cc to Mr.K.Prabhu, Advocate Sr.No.50047
+1cc to Mr.Pala.Ramasamy, Advocate Sr.No.19196

sms

vb/rr/sar3/26.04.2017/3p/10c

Writ Petition (MD) No.13944 of 2014
and
M.P (MD) No.1 of 2014
2/2
03.04.2017