



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2017

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No.16047 of 2015

WEB COPY

S.Vasantha

... Petitioner

Vs.

1.The Joint Director of Agriculture,
O/o.Joint Director of Agriculture,
Office Building, Lathams Bungalow Road,
Ramanathapuram.

2.The Assistant Director of Agriculture,
O/o.Assistant Director of Agriculture,
Office Building, Lathams Bungalow Road,
Ramanathapuram.

3.The Block Development Officer,
Mandapam Panchayat Union,
Uchipuli Post, Ramanathapuram.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the withheld amount of Rs.99934/- as per the order passed by the Account General (A&E) on 18.12.2014 bearing ES2/11862/2014 and consequently direct the respondents to pay 15% interest for the withheld amount from 31.01.2002 till the date of release within the stipulated time fixed by this Court.

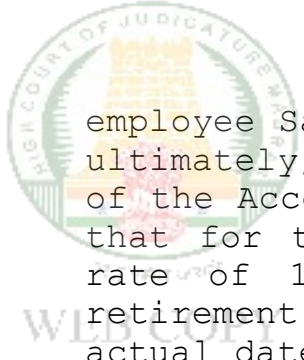
For Petitioner : Mr.R.Saravanan

For Respondents : Mr.S.Satheesh Kumar,
Addl.Govt.Pleader

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to pay the withheld amount of Rs.99934/-, as per the order passed by the Account General (A&E) on 18.12.2014, bearing ES2/11862/2014 and consequently, direct the respondents to pay 15% interest for the withheld amount from 31.01.2002 to till the date of release within the stipulated time to be fixed by this Court.

2. The petitioner's husband was employed in Government, who retired on 31.01.2002. Out of the Gratuity amount of Rs.1,90,212/-, a sum of Rs.90,278/- was paid and the remaining amount of Rs.99,934/- was withheld. After retirement, the



employee Sankaran died on 26.05.2009 and her wife made a claim and ultimately, the Gratuity amount was settled pursuant to the order of the Accountant General on 18.12.2014. The petitioner submitted that for the belated period, she is entitled to interest at the rate of 15% / per annum from 31.01.2002, viz., the date of retirement of the petitioner's husband from service, till the actual date of payment of the amount.

3. Even though the respondent would contend that the amount of Rs.99,934/- includes interest, the documents speak otherwise and the aforesaid amount is not refers to Gratuity amount. Since the amount has been paid belatedly, the petitioner shall be paid the amount together with interest at 10% per annum from 30.01.2002. If the interest amount of 10% is not paid within one month from the date of receipt of copy of this order, the petitioner would be entitled to interest at the rate of 15% per annum and the amount of interest can be recovered from the officers concerned, who have not complied with the order, by applying the principles laid down in the cases of *Central Co-operative Consumers' Store Ltd., Vs. Labour Court, H.P., at Shimla* and *Another* reported in (AIR 1994 SC 23) and *A.Sachidanandam, Macneil and Magor Kilburn Group Companies Employees' Union, Chennai Vs. S.Srinivasan and Others*, reported in (2011 (5) LLN 696 (DB) (Mad)).

4. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Joint Director of Agriculture,
O/o.Joint Director of Agriculture,
Office Building, Lathams Bungalow Road, Ramanathapuram.
- 2.The Assistant Director of Agriculture,
O/o.Assistant Director of Agriculture,
Office Building, Lathams Bungalow Road, Ramanathapuram.
- 3.The Block Development Officer,
Mandapam Panchayat Union,
Uchipuli Post, Ramanathapuram.

+One cc to Mr.R.Saravanan, Advocate, SR.No.10186

MPK

RL/5C/2P/SKN/RSK/13.3.2017

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