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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.06.2017

CORAM

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

W.A(MD)No.508 of 2017
and
C.M.P(MD)No.4391 of 2017

- 1.The State of Tamil Nadu,
Rep. By its Principal Secretary of Government,
Public (Law & Order) Department,
Fort St. George,
Chennai-600 009.
 - 2.The Director General of Police-Cum-,
Chief of Prison Department,
Egmore, Chennai-600008.
 - 3.The Superintendent of Prison,
Central Jail, Trichy-30.
 - 4.The Accountant General (A&E) of TamilNadu,
Anna Salai,
Teynampettai,
Chennai-600018.
 - 5.The Treasury Officer,
Trichy. : Appellants/Respondents
- Vs.
- D.Krishnamoorthy : Respondent/petitioner

Prayer: This Writ Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order, dated 02.01.2017 made in W.P(MD) No.21767 of 2016.

Prayer in WP(MD). 21767/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the order No.282/Ki.C.U./2016 dated 29.07.2016 passed by the 3rd respondent and quash the same and consequently direct the respondents to disburse the pensionary benefits to the petitioner and sanctioned in the 4th respondents proceedings dated 01.06.2016 along with interest for Gratuity and Communication amount, at 12%



per annum for 01.05.2011 to the date of disbursement, within a time limit to be fixed by this Honble Court.

For Appellants : Mr.V.Muruganatham,
Additional Government Pleader

For Respondent : Mr.B.Karunanithi

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JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**)

Heard Mr.V.Muruganatham, Additional Government Pleader appearing for the appellants and Mr.B.Karunanithi appearing for the respondent Caveator.

2. This appeal by the Government is directed against the order passed in W.P.(MD)No.21767 of 2016 dated 02.01.2017. In the said Writ petition filed by the respondents, he sought for issuance of a Writ of Certiorari to quash the order passed by the third appellant dated 02.01.2017 and to direct the disbursal of the pensionary benefits sanctioned, vide proceedings of the fourth appellant dated 01.06.2016 along with interest at 12% per annum from 01.05.2011 till the date of disbursement. The Writ Court, took into consideration the fact that the disciplinary proceedings initiated against the writ petitioner/respondent was set aside by this Court in W.P.(MD)Nos.2802 and 2804 of 2011 dated 18.12.2014 and consequently, the writ petitioner/respondent would be entitled for pensionary benefits. It is not in dispute that as against the said order, the appellants have not preferred any appeal and the same has attained finality. That apart, it has been brought to our notice by the learned counsel for the respondent Caveator that the Deputy Inspector General of Police vide proceedings dated 05.07.2016 has addressed the Director General of Police stating that the matter is not a fit case for further action to be pursued by the Government. Considering the fact that the disciplinary proceedings against the writ petitioner/respondent has been set aside and the same was attained finality, we find no error in the direction issued by the Writ Court in directing the release of a sum of Rs.1,50,000/- towards terminal benefits within one month. However, with regard to the further direction issued by the Writ Court directing the payment of interest at 12%, we find that the appropriate rate of interest would be 8%. Accordingly to that extent, the order passed in the writ petition requires to be modified.

3. In the result, this writ petition is partly allowed. While affirming the finding recorded by the learned single Judge, we modify that portion of the order directing the payment of interest at 12% per annum to 8% per annum and fix the rate of interest at 8% per annum. We leave it open to the appellants to recover the interest amount so



paid to the respondent from the officers, who were responsible for the delay in not sanctioning the pensionary benefits in spite of the disciplinary proceedings attained finality. Consequently, connected Miscellaneous Petition is closed. No Costs.

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/True copy/

sd/-

Assistant Registrar(RTI)

Sub Assistant Registrar

To

- 1.The Principal Secretary of Government,
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Fort St. George,
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- 2.The Director General of Police-Cum-
Chief of Prison Department,
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Anna Salai,
Teynampettai,
Chennai-600018.
- 5.The Treasury Officer,
Trichy.

+1cc to Mr.B.Karunanthi, Advocate, SR.58386

+1cc to M/S.The Special Government Pleader, SR.58127

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MRN/RR

KK/RSK/SAR4-09.06.2017-3P-8C