



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.06.2017

CORAM

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

W.A(MD)No.582 of 2017
and
C.M.P(MD)No.4853 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

Vs.

R.Srinivasan : Respondent

PRAYER: This Writ Appeal is filed under Clause 15 of Letters Patent Act, praying to allow the Writ Appeal by setting aside the order dated 02.01.2017 made in W.P.(MD)No.21842 of 2016.

Prayer in WP(MD). 21842/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to disburse all the pensionary benefits in full to the petitioner, along with 12% interest per annum for the Gratuity and Commutation amount from 1.7.2016 to the date of disbursement.



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.

2. This appeal by the Government is directed against the order passed in W.P.(MD)No.21842 of 2016 dated 02.01.2017. In the said Writ petition filed by the respondent, he sought for issuance of a Writ of Mandamus, directing the respondents to disburse all the pensionary benefits in full along with interest at 12% per annum for the gratuity and commutation amount from 01.07.2016 to the date of disbursement within the time limit fixed by this Court. 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.2804 of 2011 and 5687 of 2012 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.

3.That apart, it has been brought to our notice by the learned counsel for the respondent 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.

4. 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% and fix the rate of interest at 8% per annum. We direct the respondents 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.

Sd/-

Assistant Registrar (Crl Side)

/True Copy/

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Sub Assistant Registrar

To

1. The Principal Secretary of Government,
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MR/KM

AE/MR/SAR4/22.06.2017/3P/6C

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