



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

WEB COPY

W.P. (MD) No.13320 of 2013

K.Indirani

... Petitioner

Vs.

- 1.The Secretary (AD & TW),
Fort St. George,
Chennai - 600 009.
 - 2.The Director of Adi Dravidar Welfare,
Elilagam,
Chennai - 600 005.
 - 3.The District Adi Dravidar & Tribal Welfare Officer,
Collectorate,
Trichy.
 - 4.The Special Thasildar,
(Adi Dravidar Welfare),
Tiruchirappalli.
 - 5.The Accountant General,
(Accounts & Entitlements),
No.361, Anna Salai,
Chennai - 600 018.
- ... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner the retirement benefits viz., DCRG, Family Pension together with 12% compound interest, that are due to the petitioner on account of death of her husband Kuppan, who died on 16.11.1996, while he was working as Cook at Manapparai.

For Petitioner : Mr.N.S.Rama Krishnadass

For Respondents : Mr.V.Muruganantham
Additional Government Pleader

O R D E R

The prayer in the writ petition is for a Writ of Mandamus, directing the respondents to pay the retirement benefits viz., DCRG, Family Pension together with 12% compound interest, which are due to the petitioner on account of death of her husband Kuppan, who died on 16.11.1996, while he was working as Cook at Manapparai.



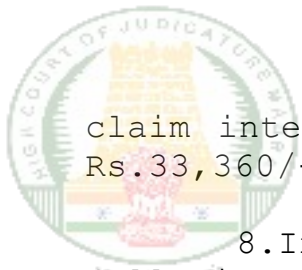
3. The learned counsel appearing for the petitioner would submit that though the petitioner has come out with the present writ petition with the aforesaid prayer, seeking for a writ of mandamus, directing the respondents to release DCRG and Family Pension payable to be petitioner for the death of her husband, subsequently, after filing of the writ petition the said amounts have been paid. The learned counsel appearing for the petitioner, however, submitted that the DCRG amount of Rs.33,360/- was paid only on 31.01.2014 instead of 16.05.1997. According to the learned counsel, the said amount has become due and payable on or before 16.05.1997 and the same has been paid belatedly only after 14 years and therefore the petitioner is entitled to claim interest and the petitioner is pressing this writ petition only on that aspect.

4. On the other hand, the learned Additional Government Pleader appearing for the respondents would submit that because of the death of the Government servant, his legal heirs are entitled to DCRG. Accordingly, the same was claimed by the petitioner. The amount was paid after having verified the veracity of the claim made by the petitioner as to whether only the petitioner is the legal heir of the deceased Government servant or whether any other legal heirs are available to disburse the death-cum-retirement benefits. In this regard, due to administrative cause the delay has occurred and that will not give any leverage to the petitioner to claim interest.

5. This Court has considered the rival submissions made by the respective learned counsel appearing for the parties.

6. Admittedly, the gratuity amount of Rs.33,360/- was paid only on 31.01.2014, even though the same has become due and payable in May, 1997. Therefore, the petitioner had given a calculation that the petitioner would be entitled to claim interest from the respondents from 16.05.1997 to 31.01.2014 at the rate of 12% compounding interest. He has given a calculation by which a sum of Rs.1,13,052/- has to be paid by the respondents to the petitioner for the belated payment of gratuity.

7. No doubt, the delay has occurred in making the payment that too after several years. The death-cum-retirement benefits are means to alleviate the penurious situation and indigent circumstances of the deceased's family and once the Government servant dies the death-cum-retirement benefit has to be paid to the widow or the legal heirs of the Government servant for the urgent need. The respondents cannot take such a long period of 14 years to pay the same. Therefore, there is force in the submission of the learned counsel for the petitioner that the petitioner is entitled to interest. Considering the facts and circumstances, this Court is of the view that the petitioner shall be entitled to



claim interest at the rate of 6% p.a. for the gratuity amount of Rs.33,360/- from 16.05.1997 till the date of payment.

8. In the result, this writ petition is disposed of with the following directions:

(i) The petitioner shall be entitled to claim interest on the DCRG amount at 6% p.a. from 16.05.1997, till date of payment. Accordingly, the same shall be calculated by the respondents and be paid to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

(ii) It is made clear that if this order is not complied with within the said period of four weeks, the petitioner shall be entitled for further interest of 12% p.a. from that date i.e., the expiry of four weeks from the date of receipt of a copy of this order.

No costs.

Sd/-

Assistant Registrar (Co)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary (AD & TW),
Fort St. George,
Chennai - 600 009.
2. The Director of Adi Dravidar Welfare,
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5. The Accountant General,
(Accounts & Entitlements),
No.361, Anna Salai,
Chennai - 600 018.

+1 cc to Mr.N.S.Ramakrishna dass, Advocate, SR.No:3480

+1cc to Special Government Pleader in SR.No:3396

sj

AE/JM/07.02.2017/3p/8c

W.P. (MD) No.13320 of 2013

19.01.2017