

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.11.2018
CORAM:
THE HON'BLE DR.JUSTICE S.VIMALA
W.P.No.31695 of 2018

Dr.M.G.Krishna Baba

... Petitioner

Vs.

1. The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai - 10.
3. The Dean,
Government Medical College,
High Ground Road, Palayamkottai,
Tirunelveli, Tamil Nadu - 627 011.
4. The Accountant General (A&E),
361, Anna Salai, Restrevor Garden,
Teynampet, Chennai, Tamil Nadu.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents herein to pay interest at the rate of 12% p.a. for the belated payment of provisional pension from 01.04.2010 to 12.07.2013, provisional DCRG from 01.04.2010 to 24.06.2015, encashment of Earned Leave from 01.04.2010 to 30.03.2017, full pension, full DCRG, Commuted Value of Pension (CVP) from 31.02.2010, on belated payment of revision of pay in the post of Associate Professor from 01.01.2007 pursuant to the VI pay Commission recommendation and on revised pay and allowances in the post of Professor of Dental Surgery from 23.10.2011.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mrs.Thangavadhana Balakrishnan
Additional Government Pleader
for R1 to R3
Mr.Vijayashankar for R4

O R D E R

The present petition has been filed by the petitioner seeking a direction to the respondents herein to pay interest at the rate of 12% p.a. for the belated payment of provisional pension from 01.04.2010 to 12.07.2013, provisional DCRG from

01.04.2010 to 24.06.2015, encashment of Earned Leave from 01.04.2010 to 30.03.2017, full pension, full DCRG, Commuted Value of Pension (CVP) from 31.02.2010, on belated payment of revision of pay in the post of Associate Professor from 01.01.2007 pursuant to the VI pay Commission recommendation and on revised pay and allowances in the post of Professor of Dental Surgery from 23.10.2011.

2. The petitioner, who was working as Professor of Dental Surgery, was allowed to retire from service on 31.03.2010 without prejudice to the charges pending against him. According to the petitioner, the Government issued G.O.(D) No.1466, dated 18.07.2017, dropping the charges framed against him. It is the grievance of the petitioner that though he was allowed to retire from service on 31.03.2010, his terminal benefits were belatedly paid as mentioned above. Hence, the present writ petition has been filed.

3. Mrs. Thangavadhana Balakrishnan, learned Additional Government Pleader takes notice for the respondents 1 to 3. Mr.Vijayasahankar, learned counsel takes notice for the fourth respondent and submits that as per the decision of this Court in W.P. No.43667 of 2016, which has been upheld by the Division Bench of this Court in W.A. No.665 of 2018, interest on belated payments of terminal benefits to the retired employees could only be at the rate of 6%.

4. Following the order in the above, this Court is of the view that it would be suffice to direct the respondents to pay interest at the rate of 6% p.a. on the belated payment of terminal benefits to the petitioner within a particular time frame, in the light of the order referred to supra.

5. In the above circumstances, this writ petition is disposed of directing the respondents to pay interest at the rate of 6% p.a. on the belated payment of terminal benefits to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Medical Education,
Kilpauk, Chennai - 10.
3. The Dean,
Government Medical College,
High Ground Road, Palayamkottai,
Tirunelveli, Tamil Nadu - 627 011.
4. The Accountant General (A&E),
361, Anna Salai, Restrevor Garden,
Teynampet, Chennai, Tamil Nadu.

+1cc to Mr.R.Prem Narayan, Advocate, S.R.No.82384
+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.82593
+1cc to the Government Pleader, S.R.No.82973

W.P.No.31695 of 2018

rrs 27/12/2018