

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.12.2018

CORAM:
THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.32607 of 2018

J.Balakrishnan

... Petitioner

versus

1. The Government of Tamil Nadu,
Rep. by the Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai - 600 009.
 2. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to direct the respondents to pay interest on the belated payment of DCRG to the petitioner for the period from 31.05.2011 to 19.06.2018.

For Petitioner : Mr.P.Rajendran

For Respondents: Mr.A.N.Thambidurai,
Special Government Pleader for R1

Dr.C.Ravichandran,
Standing Counsel for R2

सत्यमेव जयते
ORDER

This writ petition has been filed seeking a direction to the respondents to pay interest on the belated payment of DCRG to the petitioner for the period from 31.05.2011 to 19.06.2018.

2. The petitioner herein was initially appointed as Short-hand Typist on 07.05.1979 and he was promoted as Assistant in the year 1989 and subsequently he was promoted as Assistant in the year 1989. Thereafter, he was promoted to the post of License Inspector in the year 2001 and promoted as Assessor in the year 2005. Thereafter, he was permitted to retire from service on 31.05.2011 without prejudice to the disciplinary proceedings. In the disciplinary proceedings, by the final order

dated 30.11.2011, punishment of stoppage of increment without cumulative effect for one year was imposed. Against which, he preferred an appeal, on which, the Government issued G.O.Ms.No.20, dated 17.01.2013 setting aside the punishment and directing the Commissioner, Corporation of Chennai, to take action under the Pension Rules. Thereafter, the Government passed an order dated 20.12.2013, modifying the punishment as reduction of Rs.1,500/- from the pension amount and sought for his acceptance on the modification of punishment. The petitioner sent his acceptance on 09.01.2014. However, the petitioner was paid only pension and commutation of pension.

2.1. But, DCRG amount and other retirement benefits were withheld on the ground of audit objection. Hence, the petitioner filed a writ petition in W.P.No.14420 of 2014 directing the respondent to pay the DCRG and all other withheld retirement benefits to him along with interest as per rules. This Court, by an order dated 08.11.2017, directed the respondents to settle the DCRG in full due, within a period of 12 weeks.

3. Now, it is the grievance of the petitioner that DCRG amount has been paid to him in year 2018 with an inordinate delay of seven years. Hence, the petitioner filed this writ petition seeking a direction to the respondents to pay interest for the belated payment of DCRG amount.

4. The learned counsel appearing for the 2nd respondent submitted that audit objections are pending and therefore, the respondent has not released the DGRC amount to the petitioner.

5. On perusal of the earlier order passed by this Court in W.P.No.14420 of 2014, this Court clearly held that in the absence of any action having been initiated based on the audit objection, the respondents cannot plead that DCRG has not been settled on account of pendency of audit objection (for the past 15 years) and the same cannot be a ground for refusing to settle DCRG to the writ petitioner.

5.1. As against the said order, no appeal has been filed by the respondents.

6. Under such circumstances, it is not open to the respondents to say that because of audit objection, they will not pay any interest on the belated payment of DCRG amount. Hence, the respondents are directed to pay interest at the rate of 9% p.a. on the belated payment of DCRG amount for the period from 31.05.2011 to 19.06.2018, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.

+1cc to Mr.Dr.C.Ravichandran, Advocate, S.R.No.86850

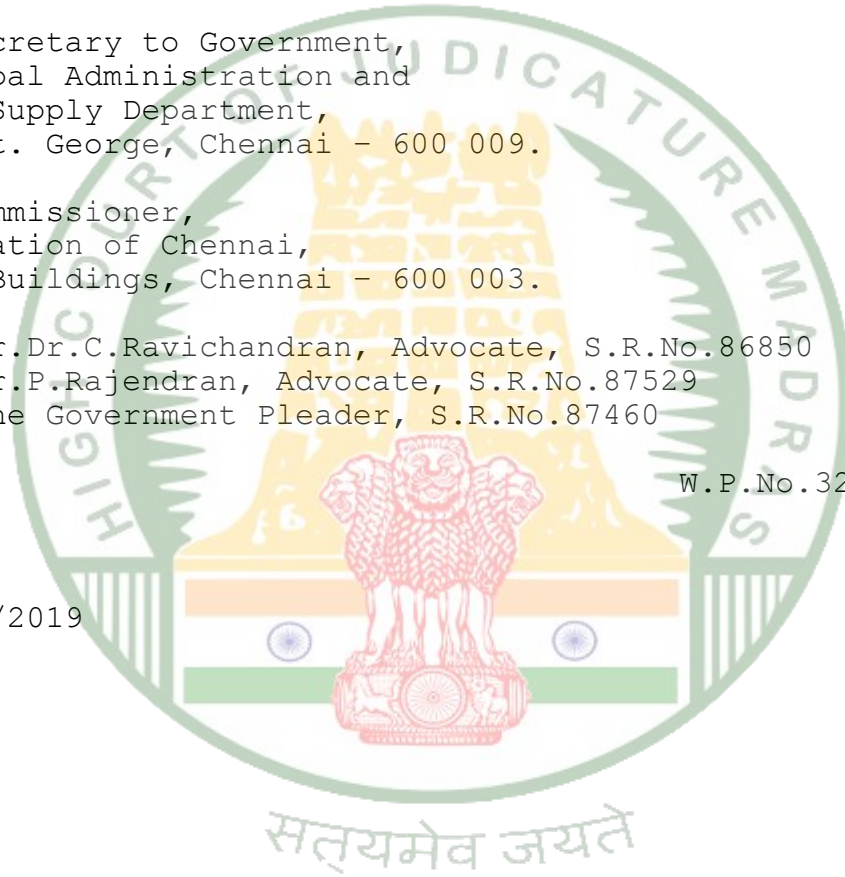
+1cc to Mr.P.Rajendran, Advocate, S.R.No.87529

+1cc to the Government Pleader, S.R.No.87460

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VGI (CO)

rrs 28/01/2019



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