

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.12.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P.No.31908 of 2018

G.Krishnamurthy

... Petitioner

- Vs -

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 Commisioner
Corporation of Chennai
Ripon Buildings, Chennai-600 003.

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Respondents

Prayer:- Writ Petitions filed under Article 226 of the
Constitution of India praying this Court to issue a writ of
mandamus directing the respondents to pay the interest on the
belated payment of DCRG to the petitioner for the period from
31.10.2010 to 28.02.2018.

For Petitioner : Mr. P.Rajendran

For Respondents: Mr.R.S.Selvam, Government Advocate for R1
Dr.C.Ravichandran, Standing Counsel for R2

ORDER

The present petition has been filed by the petitioner for a
direction to the respondents to pay interest on the belated
payment of D.C.R.G. from the date of his retirement to the date
of actual payment.

2. The petitioner was working as Assessor under the second
respondent Corporation and he was placed under suspension on
28.10.2010. Subsequently, the suspension order was revoked and he
was permitted to retire on 31.10.2010, by the order of the
second respondent dated 07.05.2012. As his terminal benefits
were not settled, the petitioner approached this Court by filing
W.P.No.14694 of 2012, which was allowed, and by the order dated

08.11.2017, this Court directed the respondents to settle the Death-cum-Retirement Gratuity in full within a period of 12 weeks from the date of the order. Subsequently, the petitioner's DCRG was settled on 28.02.2018. It is the claim of the petitioner that even though the petitioner attained superannuation on 31.10.2010, his terminal benefits were settled belatedly ie., only on 28.02.2018 ie., after eight years, and therefore, the petitioner has filed the present writ petition, seeking interest on belated payment.

3. Mr.R.S.Selvam, learned Government Advocate takes notice for the first respondent. Dr.C.Ravichandran, learned standing counsel takes notice for the second 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 earlier orders of this Court, 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 ratio laid down in the decisions noted above.

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 D.C.R.G to the petitioner in the light of the ratio laid down by this Court as noted above, 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/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Government of Tamil Nadu
rep.by the Secretary to Government
Municipal Administration and Water
Supply Department, Fort St.George
Chennai 600 009.

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

+1cc to the Government Pleader, S.R.No.83732

W.P.No.31908 of 2018

GSP (19/12/2018)



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