



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD) No.815 of 2014

P.Nanjayan

... Appellant

vs.

1.The Secretary to Government,
Education Department,
Secretariat,
Chennai - 600 009.

2.The Director of School Education,
College Road,
Chennai - 600 009.

... Respondents

Appeal filed under Clause 15 of the Letter Patent Act against the final order passed by this court in W.P.(MD)No.7616 of 2010 dated 12.02.2014.

Prayer in WP(MD). 7616/ 2010 :

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 make payment of interest of 18% for the delayed payment of D.C.R.G., encashment of leave salary and final payment of General Provident Fund from 01.06.2008 to till the date of actual payment as per the law laid down by the Honourable Supreme Court within a specified time frame that may be fixed by this Honourable High Court.

For Appellant : Mr.S.Viswalingam

For Respondents : M/s.S.Srimathy

JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

The only issue to be considered in the present writ appeal is with respect to interest.



2.The learned counsel appearing for the appellant placing reliance upon Rule 45-A of the Tamil Nadu Pension Rules, 1978 which has been taken note of and considered by this Court in W.A (MD)No.118 of 2017, submitted that in a case where a Government servant is exonerated after reaching the age of superannuation, he is entitled to interest for the benefits due to him, three months from the date of retirement at 10% per annum.

3.The learned Government Advocate appearing for the respondents would submit that as disciplinary proceedings were pending, interest was not paid for the earlier period.

4.The learned Single Judge was pleased to award interest at 12% per annum from the date of disposal of the charges i.e, dated 10.09.2009.

5.We are of the view that there is considerable force in the contention of the appellant. As rightly held by the Division Bench of this Court referred to supra, entitlement is based upon the Rule governing under 45-A(1) of the Tamil Nadu Pension Rules, 1978. If that is taken into consideration, the appellant is entitled for interest at 10% per annum, three months from the date of retirement and not from the date of the charges having been closed, which is on 10.09.2009.

6.In such view of the matter, the order of the learned Single Judge stands modified, directing the respondents to pay interest at 10% per annum, three months from the date of retirement of the appellant. The aforesaid payment shall be paid within a period of eight weeks from the date of receipt of a copy of this order.

7.This Writ Appeal stands allowed to the extent indicated above. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS-IV)

To

1.The Secretary to Government,
Education Department,
Secretariat,
Chennai - 600 009.



2.The Director of School Education,
College Road,
Chennai - 600 009.

WEB COPY

+1 CC To MR.S.VISVALINGAM, Advocate SR. NO.83977

+1 CC TO The Special Government Pleader SR.NO. 84360

W.A.(MD) No.815 of 2014
12.09.2018

MJ

TR/RP/SAR-IV(03.10.2018) 3P 5C