



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD).No.14989 of 2015

K.Ponnu Ramalingam

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary,
Higher Education, Fort St. George,
Chennai-09.

2.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai.

3.The Director of Collegiate Education,
D.P.I. Compound, College Road,
Chennai.

4.The Joint Director of Collegiate Education,
Madurai Region, Madurai.

5.Arulmigu Palaniandavar College of Arts and Culture,
Represented by its Secretary,
College Managing Committee,
Palani-624 601, Dindigul District.

6.S.Mangayarkarasi

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.5 to provide the current rate of interest for the belated payment of pension benefits like gratuity, earned leave, leave on private affairs and the monthly pension in addition the monthly salary in the post of Associate Professor of Economics for the re-employment period from 01.01.2011 to 31.05.2011 with the current rate of interest within the time stipulated by this Court.

For Petitioner: Mr.T.Aswin Rajasimman

For R1 to R4 : Mr.S.Dhayalan,
Government Advocate.

For R5 : Mr.K.Govindarajan

For R6 : No Appearance

ORDER

This Writ Petition has been filed, seeking a direction to direct the fifth respondent to pay current rate of interest for the belated payment of pension benefits i.e., gratuity, earned leave, leave on private affairs and monthly pension in addition to the monthly salary in the post of Associate Professor of Economics for the re-employment period from 01.01.2011 to 31.05.2011 within a time frame.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent.

3. When the petitioner was working as Associate Professor in Economics, a charge memo has been issued on 06.12.2010. The petitioner has filed a Writ petition in W.P.(MD)No.1346 of 2012, challenging the said charge memo and also for payment of retirement benefits. This Court, by order dated 27.08.2012, directed the respondents to release the retirement benefits as also the provisional pension, pending departmental proceedings, which will be deemed to continue under Rule 9 of the Tamil Nadu Pension Rules. Challenging the said order, the petitioner has preferred a Writ Appeal in W.A.(MD)No.1183 of 2013. The Hon'ble Division Bench of this Court, by order dated 28.04.2014, directed the fifth respondent to complete the enquiry and pass orders in terms of the Tamil Nadu Pension Rules, 1978, within three months.

4. The learned counsel appearing for the petitioner has contended that after the petitioner was exonerated from all the charges, the respondents have settled gratuity payable to the petitioner belatedly i.e., on 31.05.2011 and hence, there was a delay in payment of terminal benefits.

5. According to the learned counsel for the petitioner, even though the Hon'ble Division Bench of this Court directed the fifth respondent to complete the enquiry within a period of three months, the same was not completed and final decision was not taken by the fifth respondent. However, the respondent took further three months time and took the final decision only on 05.12.2014. Hence, the learned counsel contended that for payment of pension belatedly, the respondents ought to have pay interest for the said period.

5. The contention of the respondents is that as the petitioner has approached this Court, the delay of five months in paying pension has occurred and hence, the respondents are not responsible for such delay and the same cannot be compensated by paying interest for the belated period.

6. Rule 45(A) of the Tamil Nadu Pension Rules reads as follows:-

"Interest on delayed payment of gratuity- Interest at the rate of eight per cent annum shall be payable on the death-cum-retirement gratuity paid beyond period of



two months from the date of retirement of a Government Servant.

Amendment

In the said Rules, in rule 45-a, in Sub-rule 1, in the second proviso, for the expression "Provided further that", the following expression shall be substituted, namely:-

"Provided further that on and from 20th February 1995, the rate of such interest shall be twelve percent per annum (Compound annually)"

7. In view of the above said Rule, I find no error on the part of the petitioner in demanding interest for the belated period of five months at 12% interest per annum. Accordingly, the 5th respondent is directed to pay the interest at the rate of 12% p.a. for the belated payment of pension to the petitioner, within a period of 2 months from the date of receipt of a copy of this order.

8. If the amount is not paid within the period as stated supra, the same can be paid by the respondents and recovered such amount from the personal funds of the officers concerned thereafter.

9. This Writ Petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Secretary,
Government of Tamil Nadu,
Higher Education, Fort St. George,
Chennai-09.
 2. The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai.
 3. The Director of Collegiate Education,
D.P.I. Compound, College Road,
Chennai.
 4. The Joint Director of Collegiate Education,
Madurai Region, Madurai.
- +1 cc to Special Government Pleader, SR.No.81489.

Myr

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