



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.02.2018
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) .No.1173 of 2017
and
C.M.P. (MD) .Nos.8157 & 1125 of 2018

1.The Treasury Officer,
Treasury Office,
Tirunelveli-627 009.

2.The Sub-Treasury Officer,
Sub Treasury Office,
Tenkasi,
Tirunelveli.

... Appellants/Respondents 2 & 3

Vs.

1.Selvaraj ... 1st Respondent/Petitioner

2.The Principal Accountant General (A&E)
Office of the Principal Accountant General,
361, Annasalai, Chennai. ... 1st Respondent/1st Respondent

PRAYER: Writ Appeal is filed under Clause XV of Letters Patent,
against the order passed by this Court in W.P.(MD).No.3630 of 2017
dated 24.04.2017.

Prayer in WP(MD). 3630/ 2017 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of
Mandamus to direct the 2nd and 3rd respondents to disburse the life
time arrears of pension of Tmt. Parimla (wife of petitioner) for 9
months period starting from 01.08.2009 to 29.05.2010 with 7% rate of
interest per annum to the petitioner in the light of the order
passed by the 1st respondent dated 04.06.2014 within stipulated
period as fixed by this Hon'ble Court.

For Appellant : Mr.D.Murugananatham
Addl. Government Pleader
For R1 : Mr.Chellapandian
For R2 : Mr.Gunasekaran

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.D.Muruganantham, learned Additional Government Pleader appearing for the appellants, Mr.Chellapandian, learned counsel appearing for the first respondent and Mr.Gunasekaran, learned counsel appearing for the second respondent.

2.This appeal is directed against the order made in W.P.(MD). No.3630 of 2017 dated 24.04.2017 filed by the first respondent herein praying for a direction upon the appellants to disburse the life time arrears of pension of Tmt.Parimala, wife of the petitioner for 9 months period starting from 01.08.2009 to 29.05.2010 with 7% rate of interest per annum.

3.The writ Court, after taking into consideration the factual averments found that the Department was not releasing the said amount and disbursing it to the petitioner/his wife at the appropriate time and therefore, allowed the writ petition and granted interest at the rate of 9 %.

4.The appellants have filed the appeal contending that no interest is payable though they do not dispute that the petitioner is entitled for life time arrears. The question would be as to who was responsible for the delay. The reason assigned by the appellants in the appeal for substantiating their contentions is that they are not at all aware of it by stating that the petitioner has not produced the copy of the proceedings issued by the Principal Accountant General so as to process the claim. We find that the proceedings of the Principal Accountant General dated 04.06.2014 is addressed to the Treasury Officer, Tirunelveli District and the copy has been marked to the petitioner. Therefore, it could not be stated that the petitioner is responsible for the delay. Hence, we find that there is no error in the order passed by the writ Court in allowing the writ petition. We find that the rate of interest has been awarded at 9%, whereas the first respondent/writ petitioner himself has claimed only 7%. Therefore, to that extent, we are inclined to modify the order passed by the writ Court.

5.The writ appeal is partly allowed, while confirming the order passed by the writ Court directing the payment of life time arrears, by modifying the rate of interest to 7% instead of 9%. In all other respects, the order passed by the writ Court stands confirmed. No costs. Consequently, the connected miscellaneous petitions are closed.

6.The payment shall be effected to the petitioner through ECS, within a period of three weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CSII)

/True Copy/



To

1.The Treasury Officer, Treasury Office,
Tirunelveli-627 009.

2.The Sub-Treasury Officer,
Sub Treasury Office,
Tenkasi, Tirunelveli.

+One cc to The Special Government Pleader, SR.No.49322

+One cc to M/s.P.Gunasekaran, Advocate, SR.No.48891

+One cc to M/s.S.Chellapandian, Advocate, SR.No.48873

Ns/mrn

RL/6C/2P/CVC/SAR2/5/3/2018

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