

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.D.AUDIKESEVALU

W.A.No.2488 of 2012

K.Balakrishnan Appellant/Petitioner

Vs.

1.The Accountant General
Accountant General Office
Teynampet, Chennai - 18.

2.The Assistant Elementary Educational
Officer, Nemili, Arakkonam Taluk,
Vellore District. Respondents/Respodnents

Prayer:

Writ appeal filed under Clause 15 of the Letters Patent
against the order dated 19.03.2012 made in W.P.No.6612 of 2012.

Prayer in W.P.No.6612 of 2012:-

Writ Petition filed under Article 226 of the Constitution
of India, praying to direct the respondents to pay interest on
salary arrears on Rs.2,000/- for 16 1/2 months from July 1984 to
September 1985 and interest on Rs.1,051/- from October 1985 to
January 2010 i.e. for 18 years 3 months and interest on DCRG,
arrears on Rs.495/- from 1984 to January 2005 for 20 years and 5
months at the rate of 18% interest compounded annually.

For Appellant : Mr.A.R.Nixon

For Respondents : No Appearance for R1

Mr.C.Munusamy for R2
Special Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

Heard the learned counsel for the appellant. None appears

on behalf of the first respondent inspite of printing the name of the counsel in the cause list.

2.The benefits payable to the appellant on account of his service was delayed resulting in filing a writ petition. The respondents pursuant to the direction issued by this Court paid all the statutory benefits. However, the interest was not paid taking into account the period of delay. The appellant therefore filed a writ petition in W.P.No.6612 of 2012. The learned Single Judge dismissed the writ petition on the ground that there is no provision for payment of interest for delayed payment. Feeling aggrieved, the appellant has come up with this intra court appeal.

3.The respondents have no case that the appellant is not entitled to the retirement benefit as on the date on which he retired from service. Any party who delays the payment is bound to pay interest. Even though there is no specific provision for payment of interest still the party is entitled to get interest for the delayed period. Infact there is no provision which mandates that interest is not payable in case payment is delayed. The payment of interest is in the nature of compensation for the delayed payment. We are therefore of the view that the learned Single Judge was not correct in denying the interest to the appellant.

4.The writ petition in W.P.No.6612 of 2012 is allowed by setting aside the order passed by the learned Single Judge. There shall be a direction to the respondents to pay interest at the rate of 6% per annum to the appellant. The respondents shall calculate the amount taking into account the total period of delay and make payment to the appellant as expeditiously as possible, and in any case, on or before 31 July, 2019.

5.The intra court appeal is allowed as indicated above. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pri/vrn

To

1.The Accountant General
Accountant General Office
Teynampet, Chennai - 18.

2.The Assistant Elementary Educational
Officer, Nemili, Arakkonam Taluk,
Vellore District.

+1 cc to Mr.A.R.Nixon, Advocate, Sr.No. 39846
+1 cc to Mr.V.Vijay Shankar, Advocate, Sr.No. 40135
+1 cc to The Government Pleader, Sr.No. 39928

W.A.No.2488 of 2012

RJI (CO)
CSL/30.04.2019



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