



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 01.11.2019

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.7569 of 2013

&

W.M.P.No.33941 of 2017

T.Santhanam

... Petitioner

Vs

The Director,
Local Fund Audit,
IV Floor, Kuralagom,
Chennai 600 108.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction the interest on the belated payment of terminal benefits to a tune of Rs.9,65,559/- which is due on 31-07-2003 and paid on 19-03-2010 and 26-06-2012 with 12% interest compounded annually as per G.O.Ms.No.122 Finance (Pension) Department dated 20-02-1995 within a date fixed by this Hon'ble Court.

For Petitioner : Mr.A.R.Nixon

For Respondents: Ms.A.Srijayanthi,
Special Government Pleader

O R D E R

The instant writ petition is one for writ of Mandamus directing the respondent to pay interest for the belated payment of terminal benefits to a tune of Rs.12,24,005/- to the petitioner, which was due and payable on 31.07.2003.

2.The petitioner attained the age of superannuation on 31.07.2003. However, a sum of Rs.9,65,559/- was paid to the petitioner only on 19.03.2010. This was towards pension and a further sum of Rs.2,58,446/- was paid on 26.06.2012 towards DCRG. The petitioner states that he is entitled for interest for the late payment of the aforesaid amount.



3.It is well settled that even in the absence of Statutory Rules, interest is liable to be paid for the delayed payment of pension.Rule 45 A of the Pension Rules specifies the interest payable on the delayed payment of gratuity[refer S.K.Dua Vs. State of Haryana (2008) 3 SCC 44]

4.The learned counsel for the petitioner relies on G.O.Ms.No.122, Finance Pension Department, dated 20.02.1995, which attracts 12% interest for the delay in payment of gratuity.

5.The petitioner is therefore entitled for interest for the rate of 10% on Rs.9,65,559/- payable from 31.07.2003 till 19.03.2010 and 12% interest on Rs.2,58,446/- payable from 31.07.2003 till 20.06.2012. The amount shall be paid to the petitioner within a period of 16 weeks from the date of receipt of a copy of this order.

6.The writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Director,
Local Fund Audit,
IV Floor, Kuralagom,
Chennai 600 108.

+1cc to M/s.A.R.Nixon, Advocate Sr.90886

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srg 06/01/2019