

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.7719 and 7720 of 2013

1. S.Raju ... Petitioner in W.P.No.7719 of 2013

2. R.Punniyakodi ... Petitioner in W.P.No.7720 of 2013

-vs-

1.The District Collector,
Thiruvannamalai.

2.The Block Development Officer,
(Village Panchayat),
Chengam Block,
Thiruvannamalai District. ... Respondents in both W.Ps.

PRAYER: Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to Na.Ka.No.10193/2012/PA2 dated 04.09.2012 passed by the 1st respondent herein and quash the same and further direct the respondents to pay interest at the rate of 12% for the delayed payment of arrears of Salary.

For Petitioners : M/s.T.Hemalatha

For Respondents : Mr.P.Siva Shanmuga Sundaram
Spl. Govt. Pleader

O R D E R

The petitioners have come forward with the plea that the arrears of wages have been paid to them belatedly and the Collector / 1st Respondent had rejected their claim for interest vide order impugned herein, on the ground that there is no provision for grant of interest.

2. It is to be noted that under The Payment of Wages Act, 1936, it is incumbent on the employer to pay the salary either on the last working day of the month or on the first working day of the subsequent month, in any event before 10th of the subsequent month and if the salary date falls on the last working day of the month, then an extended period of 10 days is prescribed under the Act to ensure that the wages are paid

without any delay. Though The Payment of Wages Act, 1936 is not applicable to the case on hand, it is an admitted fact that there is a delay in paying the salary to the petitioners. Therefore, as per the logic stipulated under The Payment of Wages Act, 1936, I am of the view that the petitioners are entitled to interest @ 9% per annum.

3. In view of the above and applying the afore-stated logic, the 1st respondent is directed to pay interest at the rate of 9% for the delayed payment of arrears of salary to the petitioners from the date of retirement, within a period of 45 days from the date of receipt of a copy of this order, failing which, the interest amount will carry 12% interest and the same has to be recovered from the personal fund of the 1st respondent, as the amount of the State Exchequer cannot be permitted to be utilized towards payment of interest for the default committed by the Respondents.

4. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1.The District Collector,
Thiruvannamalai.

2.The Block Development Officer,
(Village Panchayat),
Chengam Block,
Thiruvannamalai District.

+2cc to Mr.V.Suthakar, Advocate Sr.51045, 51046

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pa[co]
srg 20/08/2019