

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2019

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.34357 of 2018

D.Sudhakarrasu

...Petitioner

Vs

- 1 The Government of Tamil Nadu
rep.by its Secretary to Government
Environment and Forest Department
Fort.St.George, Chennai-9.
- 2 The Principal Chief Conservator of Forest
Panagal Building, Saidapet, Chennai

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to pay interest at the rate 12 percent for the belated disbursement of retirement benefits i.e. (i) Rs.1,73,801/- disbursed towards pension from 31/01/2010 to 22/01/2014 (ii) Rs.92,597- disbursed towards Gratuity from 31/01/2010 till 21/03/2016 (iii) Rs.76,544 - disbursed towards Commuted Value of pension from 31/01/2010 till 28/01/2014 (iv) Rs.60,488/-disbursed towards encashment and Earned leave from 31/01/2010 till 20/06/2014 and (v)Rs.22,683 - Disbursed towards Encashment of unearned leave from 31/01/2010 till 20/06/2014 by considering the representation dated 28/05/2018 of the petitioner within a time limit that may be fixed by this Honourable Court.

For Petitioners : M/s.S.Mani

For Respondents : Mr.S.V.Vijay Prashanth
Additional Government Pleader
(Forests)

O R D E R

The petitioner has filed this writ petition, seeking direction to the respondents to pay interest for the belated disbursement of the retiral benefits. Learned counsel for the petitioner pointed out that in similar facts and circumstances,

this Court by the order dated 08.03.2012 in W.P.No.27853 of 2006, held that the petitioner therein is entitled for payment of interest inasmuch as the terminal benefits were settled to him belatedly. Learned counsel also relied upon the decision reported in (2009) MLJ 1 "Government of Tamil Nadu by Secretary to the Government, Revenue Department and another Vs. Deivasigamani' , wherein it was held that an employee is entitled to claim interest on belated payment of pension and other retiral benefits, even in the absence of statutory rules / administrative instructions or guidelines, under Part III of the Constitution of India read with Articles 14,19 and 21 of The Constitution of India. The petitioner submitted a representation dated 28.05.2018 for payment of interest on the belated settlement of enhanced pensionary benefits and the same has not been considered by the respondents, which has forced the petitioner to file the present writ petition.

2. Mr.S.V.Vijay Prashanth, learned Additional Government Pleader (Forests) takes notice on behalf of the respondents.

3. Considering the facts and circumstances and the limited scope of the prayer, the respondents are directed to consider the representation of the petitioner dated 28.05.2018 in the light of the decision reported in (2009) MLJ 1 "Government of Tamil Nadu by Secretary to Government, Revenue Department and another Vs. Deivasigamani' , and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is ordered accordingly. No costs.

kst

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Environment and Forest Department
Fort.St.George, Chennai-9.

2.The Principal Chief Conservator of Forest
Panagal Building, Saidapet, Chennai

+1cc to Mr.S.Mani, Advocate, S.R.No.337/19

+1cc to the Special Government Pleader, S.R.No.576/19

W.P.No.34357 of 2018

ssv(CO)

kak(07/02/2019)