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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.14067 of 2015
and
M.P.(MD)No.1 of 2015

M.Ramasubbu ... Petitioner

-Vs-

1.The Secretary to Government,
Health and Family Welfare (Z2) Department,
Fort St.George, Chennai.

2.The Director,
Treasuries and Accounts Department,
Saidapet, Chennai-15.

3.The Joint Director of Health Services,
Ramanathapuram-623 501.

4.The Accountant General of Tamil Nadu,
Teynampet, Chennai-18. ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned G.O.(D)No.610 passed by the first respondent dated 16.06.2014 and quash the same and direct the respondents to calculate the interest amount from 01.08.1999 to till the date of sanction at 12% for the delay payment of pension, Death-cum-retirement gratuity, commutation, GPF and Earned Leave Salary.

For Petitioner : Mr.R.Saravanan
For R1 to R3 : Mr.S.Dhayalan,
Government Advocate.
For R4 : Mr.P.Gunasekaran

ORDER

The relief sought for in the present Writ Petition is to quash the Government Order issued in G.O.Ms.No.610, Health and Family Welfare (22) Department, dated 16.06.2014 and to direct the respondents to calculate the interest amount from 01.08.1999 to till the date of sanction at 12% for the delayed payment of pension, Death-cum-retirement gratuity, commutation, GPF and Earned Leave Salary.

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2.The writ petitioner was working in the Department of Treasuries and Accounts. The writ petitioner was allowed to retire from service on 31.07.1998.

3.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner submitted an application for settlement of pension in 23.02.1998 itself. However, on forwarding the pension proposals to the competent authority, it is found that the writ petitioner has not enclosed certain documents / certificates. Accordingly, the proposal was returned and the writ petitioner has resubmitted the pension proposal on 27.07.1998.

4.The learned Government Advocate appearing on behalf of the respondents 1 to 3 states that due to the request made by the writ petitioner on 21.07.1999 of submitting pension proposals during the month of August, 1998, the pension proposals were sent to the Commissioner of Treasuries and Accountant on 31.08.1998, after sanction of terminal leave salary on 13.08.1998. Hence, there was no delay on the part of the third respondent, regarding sanction of pension, commutation, leave salary and final payment of general provident fund. The first respondent passed an order in G.O.Ms.No.610, Health and Family Welfare (22) Department, dated 16.06.2014, in which the writ petitioner has been sanctioned interest at the rate of 12% on Rs.1,51,206/- of DCRG, taking into account the period with effect from 01.01.1998 to 31.03.1999. The interest amount arrived at Rs.7506/- and the interest amount settled to the writ petitioner on 07.10.2015.

5.In view of the fact that there was a delay in submitting the pension proposal by the writ petitioner, there was a delay in settlement of terminal benefits and pensionary benefits. Even then the interest amount has been paid to the writ petitioner, with reference to the administrative delay and therefore, the writ petitioner cannot claim interest for the entire period from 01.01.1998 to 31.03.1999.

6.This Court is of the considered opinion that a Government employee is entitled for interest for the delayed settlement of terminal and pensionary benefits. No doubt, the employee should not suffer on account of the administrative delay in settling the pensionary and terminal benefits. However, in the present case on hand, the delay occurred on account of the delayed submission of the pension proposals by the writ petitioner during the eve of his retirement. Even then, interest of 12% per annum had been paid by the respondents to the writ petitioner by calculating the period of delay occurred, on account of the administrative delay. Therefore, further payment of interest in the present case would not arise at all.

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7.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
Health and Family Welfare (Z2) Department,
Fort St.George, Chennai.

2.The Director,
Treasuries and Accounts Department,
Saidapet, Chennai-15.

3.The Joint Director of Health Services,
Ramanathapuram-623 501.

+1 CC to M/s.R.SARAVANAN, Advocate (SR-74846[F] dated 11/07/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-75017[F] dated 12/07/2019)

+1 CC to M/s.SPL GP (SR-75057[F] dated 12/07/2019)

MYR

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