

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14102 of 2013

Dr.R.Sekhar

... Petitioner

Vs.

1.The State of Tamilnadu Rep. by its
Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai - 9.

2.The Director of Medical and Rural
Health Services,
DMS Compound, Teynampet,
Chennai - 6.

3.The Joint Director of Health Services,
O/o.The Joint Director of Health Services,
Government Head Quarters Hospital Campus,
Mettur Road,
Erode - 638 009.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to sanction Interest for the belated payment of Death Cum Retirement Gratuity to the tune of Rs.8,10,113/- at the rate of 18%, till the date of payment was made and to sanction Interest at the rate 18%, for forced to purchasing of Kissan Vikas Patras to the tune of Rs.1,56,000/- after adjusting its interest by considering the representation of petitioner, dated 07.06.2011.

For Petitioner : Mr.V.Ravikumar

For Respondents : Mr.A.N.Thambidurai for R1 to R3
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to sanction Interest for the belated payment of Death Cum Retirement

Gratuity to the tune of Rs.8,10,113/- at the rate of 18%, till the date of payment was made and to sanction interest at the rate of 18%, for forced to purchasing of Kissan Vikas Patras to the tune of Rs.1,56,000/- after adjusting its interest by considering the representation of petitioner, dated 07.06.2011.

2.The case of the petitioner is that the petitioner retired from service as Chief Civil Surgeon on 28.02.2011 on attaining the age of superannuation. According to the petitioner the entire amount of pensionary benefits except the amount towards DCRG was paid to him during March, 2011. When the petitioner approached the third respondent for payment of DCRG amount, he was forced to purchase Kissan Vikas Patras equal to 20% of DCRG.

3.It is the further case of the petitioner that the petitioner made representation to the second respondent for release of the amount towards DCRG. Thereafter, the amount towards DCRG was paid to the petitioner only on 06.06.2011. Hence, the petitioner made representation to the respondents seeking interest for the belated payment of DCRG and for forcible purchase of Kissan Vikas Patras and since there is no response has filed this writ petition.

4.The respondents have filed counter stating that as per Rule 45 A of the Tamil Nadu Pension Rules, 1978, interest shall be payable on Death Cum Retirement Gratuity only if it is paid beyond a period of three months from the date of retirement of a Government servant and no interest shall be payable for the fraction of a month.

5.In the counter affidavit it is further stated that the petitioner retired from service on 28.02.2011 and the entire amount of DCRG was paid to him on 06.06.2011, with six days delay after the eligible three months period and hence, the question of sanction of interest for the belated payment of DCRG does not arise.

6.In the counter affidavit it is further stated that the petitioner was not forced to purchase Kissan Vikas Patras and that the petitioner has submitted his consent for the same. It is further stated that the Kissan Vikas Patras have been returned to the petitioner and the interest accrued thereon will be only at the benefit of the petitioner.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.From the perusal of records, it is known that there is delay in payment of DCRG to the petitioner, however, the said delay is only six days, which is only a fraction of month beyond the eligible period of three months as per Rule 45 A of the

Tamil Nadu Pension Rules, 1978. Further, the Kissan Vikas Patras purchased by the petitioner have been returned to the petitioner and the interest accrued thereon will be only at the benefit of the petitioner. Hence, this Court is not inclined to grant the relief sought for in this writ petition.

9.The writ petition is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Health and Family Welfare Department,
Fort St.George,
Chennai - 9.
- 2.The Director of Medical and Rural
Health Services,
DMS Compound, Teynampet,
Chennai - 6.
- 3.The Joint Director of Health Services,
O/o.The Joint Director of Health Services,
Government Head Quarters Hospital Campus,
Mettur Road,
Erode - 638 009.

+1 cc to The Government Pleader, Sr.No. 31132

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RMP(15/10/2020)

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