

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.14 of 2015

J.Kamaludeen

... Petitioner

Vs.

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner,
Municipal Administration and Water Supply Department,
Chepauk,
Chennai - 600 005.
- 3.The Commissioner,
Salem Corporation,
Salem.
- 4.The Assistant Commissioner,
Salem Corporation,
Hasthampatti Zone,
Salem.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant and disburse the interest for the belated payment of retirement benefits paid to the petitioner as per the proceedings of fourth respondent in Na.Ka.No.J1/764/007 dated 13.02.2013 from the date of retirement on 30.06.2007 @ 12% per annum by considering the representation submitted by the petitioner dated 28.03.2013, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.R.N.Amarnath

For Respondents : Mr.S.Thangavel for R1 and R2
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking direction to the the respondents to grant interest @ 12% per annum for the belated payment of the retirement benefits by considering his representation dated 28.03.2013.

2.The case of the petitioner is that he was working as Revenue Inspector under the third respondent and was issued with charge memo dated 29.06.2007, however, he was permitted to retire from service on 30.06.2007 on attaining the age of superannuation. Since, his retirement benefits were not settled, he filed W.P.No.13238 of 2011 challenging the charge memo and this Court vide order dated 03.10.2012, allowed the writ petition. Thereafter, his retirement benefits were paid on 13.02.2013. Hence, he is entitled to get interest for the belated payment of retirement benefits.

3.The learned counsel for the petitioner submitted that though the petitioner was issued with charge memo at the verge of his retirement, he was permitted to retire from service and in such event, he has every right to receive the retirement and pensionary benefits, which is not by way of charity or bounty. Moreover, the charges framed against him were quashed, as per the order of this Court dated 03.10.2012, passed in WP.No.13238 of 2011. Therefore, the petitioner is entitled for interest on the amount paid to him, from the date of retirement to till the date of quashing the charges.

4.On the other hand, the learned Special Government Pleader appearing for the respondents fairly submitted that the respondents would consider the claim of the petitioner and pass orders, in accordance with law, within a time frame to be stipulated by this Court.

5.Having regard to the admitted fact that the petitioner was allowed to retire from service on reaching the age of superannuation without prejudice to the pending charges and the said charges were subsequently, quashed by this Court, and also taking note of the legal principle that 'the pension is not a bounty, but a valuable right of the Government servant and if such payment is delayed, the same has to be compensated by way of interest', this Court directs the respondent authorities to consider the representation of the petitioner dated 28.03.2013 seeking interest for the belated payment of retirement benefits and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Municipal Administration and Water Supply Department,
Chepauk, Chennai - 600 005.
3. The Commissioner,
Salem Corporation, Salem.
4. The Assistant Commissioner,
Salem Corporation, Hasthampatti Zone,
Salem.

+1cc to Mr. RN. AMARNATH, Advocate, SR.No.8975
+1cc to Government Pleader, SR.No.9174

W.P.No.14 of 2015

LN(CO)
BE(14/07/2021)

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