

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 08.01.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.8162 of 2009

M.Palanivelu

... Petitioner

Vs.

1.Government of Tamil Nadu,
represented by Secretary to Government,
Environment and Forest Department,
Secretariat,
Chennai - 600 009.

2.The Principal Chief Conservator of Forests,
Chennai - 600 015.

3.The Accountant - General (A& E),
Tamil Nadu,
Chennai - 600 018.

... Respondents

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent herein to sanction and disburse interest at 12% per annum for the period from 01.08.2006 to April 2008 for the delayed payment of Rs.6,48,095/- towards pensionary benefits due and payable to the petitioner, on his retirement on 3.7.2006 A.N.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Prabhu

Additional Government Pleader

ORDER

The prayer sought for in this writ petition is to issue a writ of mandamus directing the first respondent herein to sanction and disburse interest at 12% per annum for the period from 01.08.2006 to April 2008 for the delayed payment of Rs.6,48,095/- towards pensionary benefits due and payable to the petitioner, on his retirement on 3.7.2006 A.N.

2.The petitioner was working in the respondent Department as Forester and during his service, there was a disciplinary proceedings, of course which ended in acquittal or he has been exonerated from the disciplinary proceedings, ultimately on superannuation he was permitted to retire from service with effect from 31.07.2006 and this permission was given only on 07.11.2007.

3.Therefore, the retiral benefits, which ought to have been given to the petitioner immediately after his retirement in the year 2006, was paid belatedly only in the year 2008.

4.Therefore, in order to get interest for the period from 01.08.2006 to till payment i.e., April 2008, the petitioner made a request to the respondents on 27.01.2009, since the same was not considered, he approached this Court by filing the present writ petition.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6.The learned Additional Government Pleader appearing for the respondents, by relying upon para 6 of the counter affidavit, would submit that, the interest for the belated payment of retiral benefits for the petitioner was calculated and was paid to the petitioner to an extent of Rs.23,780/-, by issuance of G.O.(D)No.247, Environment and Forests Department, dated 17.08.2009, where, they calculated the interest at the rate of 8%, which was the prevailing rate of interest.

7.However, Mr.M.Ravi, learned counsel appearing for the petitioner, by relying upon the averment made in the rejoinder affidavit, would submit that, the actual interest should have been paid to the petitioner is 12% per annum, however, since the same has been calculated and paid only at the rate of 8%, the remaining amount i.e., the difference of 4% interest should be considered.

8.I have considered the said submissions made by the learned counsel appearing for both sides and perused the materials placed before this Court.

9.It is the only dispute that, whether the interest for the belated payment of retiral benefits payable to the petitioner has to be calculated at the rate of 12% or 8%.

10.Though a different rate of interest being calculated for various Government activities, insofar as this kind of issues

where the retiral benefits or pay benefits of the employee of the State Government, if it is not paid, they are entitled to get the interest and in this context, consistently this Court, in number of occasions, have taken a decision that, 6% interest shall be calculated and paid. Here in the case in hand, the respondents have calculated the interest at the rate of 8% and the same had also been paid, as quoted by the learned Additional Government Pleader, by relying upon the averments made in the counter affidavit at para 6, which reads thus:

"6) It is respectfully submitted that the petitioner has submitted a representation to the Secretary to Government, Environment and Forests Department, Chennai on 24.01.2009, with a request for the payment of interest at rate of 12% for the sum of Rs.6,48,095/-. The request of the petitioner has been examined. The second respondent has sent proposals to the Government for payment of interest to the petitioner. The Government in G.O.(D)No.247, Environment and Forests Department, dated 17.08.2009 have sanctioned a sum of Rs.23,780/- towards the payment of interest (at 8% which is due prevailing rate of interest) for the belated payment."

11. Therefore, still the higher percentage of interest i.e., 12%, as claimed by the petitioner, cannot be considered to be a genuine request and therefore, the said request made by the petitioner side is liable to be rejected, accordingly it is rejected. Hence, recording the aforesaid development, where the interest payable to the petitioner for the belated payment of retiral benefits since have been calculated at the rate of 8% and has already been paid, as averred in paragraph 6 of the counter affidavit, as quoted above, this Court feels that, no further order is required to be passed as the petitioner is undeserving to get further amount by way of higher rate of interest on the belated payment of retiral benefits.

12. In that view of the matter, by recording the aforesaid development, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Environment and Forest Department,
Secretariat,
Chennai - 600 009.
- 2.The Principal Chief Conservator of Forests,
Chennai - 600 015.
- 3.The Accountant - General (A& E),
Tamil Nadu,
Chennai - 600 018.

+1cc to the Special Government Pleader srl.1353
+1cc to Mr.M.Ravi, Advocate Sr.1522

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