



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

W.A. No. 2024 of 2021

S. Chandrasekaran ..Appellant/Petitioner

Vs.

1.The Government of Tamil Nadu
rep. by Secretary to Government,
Public Works Department,
Fort St. George,
Chennai - 600 009.

2.The Engineer Incharge &
Chief Engineer (General),
Tamil Nadu Electricity Board,
Public Works Department,
Chepauk, Chennai - 600 005.

3.The Accountant General (A & D),
Tamil Nadu, Chennai Teynampet,
Chennai.

..Respondents/ Respondents

Prayer: Writ Appeal as against the order dated 01.02.2021
passed in W.P. No. 3757 of 2014.

Prayer in W.P. No. 3757 of 2014:

Writ Petition filed under Article 226 of the Constitution of India, directing the respondents to pay interest at the rate of 12% p.a. from 01.01.2007 till date for the belated payment of Death-cum-Retirement Gratuity (DCRG) pension Commutation, pension arrears, subsistence allowance, special provident fund, encashment of earned leave and encashment of unearned leave within a reasonable time.

For Appellant :: Mr.S. Sethuraman

For Respondents :: Mr.K.V. Sajeew Kumar,
Govt. Counsel





5. The appellant, in reply would contend that a similarly placed employee was granted interest @ 12% per annum on retirement benefits vide G.O. NO. 120 Public Works (F1) Department dated 08.04.2013 and that there cannot be any discrimination in respect of the appellant. Even assuming for the sake of argument that G.O. Ms. No. 517 Finance (Pension) Department dated 12.06.1987, is not questioned, as there has been a delay in settlement of terminal benefits beyond one year, the respondents ought to have extended the benefit of 10% interest per annum on the benefits mentioned supra.

6. Heard both parties.

7. It is not in dispute that the appellant was suspended on 29.12.2006 and charge sheeted, and on culmination of the enquiry proceedings, as the charges were not proved, he was exonerated and allowed to retire and that he is entitled to all the terminal benefits, which have been paid. However, in terms of G.O. Ms. No. 517 Finance (Pension) Department dated 12.06.1987, the Government has awarded interest @ 8% per annum. Admittedly, there is a delay in payment of terminal benefits beyond one year. That being the case, eventhough the said Government Order has not been questioned, with regard to revision of payment of interest @ 12%, the Government ought to have extended 10% interest on all the benefits due to the employee and that in the present case on hand, the appellant has been paid only 8% interest on certain terminal benefits and not in its entirety. Hence, this Court is of the view that the appellant would be entitled to interest @ 10% per annum as there has been a delay in payment/settlement of terminal benefits beyond one year in terms of G.O. and the difference in interest on Death cum Retirement Gratuity and other benefits apart from granting interest @ 10% per annum on belated payment of subsistence allowance, encashment of earned leave and encashment of unearned leave shall be paid within a period of 3 months from the date of receipt of a copy of this order. The writ appeal is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nv



To

1.The Secretary to Government,
Public Works Department,
Fort St. George,
Chennai - 600 009.

2.The Engineer Incharge &
Chief Engineer (General),
Tamil Nadu Electricity Board,
Public Works Department,
Chepauk, Chennai - 600 005.

3.The Accountant General (A & D),
Tamil Nadu, Chennai Teynampet,
Chennai.

+lcc to Mr.S.Sethuraman, Advocate Sr No.47395

+lcc to the Government Pleader Sr No.48235

W.A. No. 2024 of 2021

SJ (CO)

PR (10/11/2021)