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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

W.P.No.15915 of 2021

[Video Conferencing]

A.Anbazhagan

...Petitioner

vs.

1.The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Rural Development Department,
Fort St.George, Chennai 600 009.

2.The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Social Welfare and Nutritious Meal
Programme Department,
Fort St.George, Chennai 600 009.

3.The Director of Rural Development,
Panagal Building,
Saidapet, Chennai 600 015.

4.The District Collector,
Thoothukudi District,
Thoothukudi.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents to pay interest at the rate of 12% per annum for the belayed disbursement of Rs.1,37,000/- towards petitioner gratuity from 01.09.2012 up to the date of settlement viz., 09.09.2018 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Ms.T.Hemalatha

For Respondents : Mr.C.Kathiravan
Government Advocate



ORDER

1. With the consent of both parties, these Writ Petitions were taken up for final disposal at the admission stage itself. Mr.C.Kathiravan, learned Government Advocate takes notice for the respondents.
2. The petitioner herein, who retired from the services of the Respondents Corporation on reaching the age of superannuation, have come up with the above Writ Petitions, seeking a direction to the respondents to pay interest at the rate of 12% per annum for the belated disbursement of Rs.1,37,000/- towards petitioner gratuity from 01.09.2012 up to the date of settlement viz., 09.09.2018, within a time frame.
3. This Court heard the submission of the learned counsel on either side and perused the materials/ documents available on record.
4. It is well settled in very many cases that the employee is entitled to interest for the belated payment of his retiral benefits. A Division Bench of this Court in Government of Tamil Nadu, rep. by its Secretary to Government, Revenue Department vs. M.Deivasigamani [2009 (3) MLJ 01] has held that the employee is entitled to interest on belated payment of pension and other retiral benefits, even in the absence of statutory rules / administrative instructions or guidelines and that he can claim interest under Part III of the Constitution, relying on Articles 14, 19 and 21 of the Constitution.
5. In a similar circumstance, the First Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015 on 12.06.2015, directed the respondent / Transport Corporation to settle the terminal benefits of its employees in equal monthly instalments and to pay 6% interest on the terminal benefits payable to the workman. It has also held that the workman is entitled to 18% interest for the defaulted period of instalments.
6. Following the above judgements, a learned Single Judge of this Court in W.P.No.15886 of 2020 on 19.01.2021, directed the respondent / Transport Corporation to pay interest @ 6% per annum, for the belated payment of gratuity and other retiral benefits.
7. Considering the facts and circumstances of the case and also considering the period of delay, this Court is inclined to grant interest @ 4% per annum, for the belated payment of Rs.1,37,000/- towards petitioner gratuity from 01.09.2012 up to the date of settlement viz., 09.09.2018, that are yet to be settled, in four equal monthly instalments, commencing from



01.10.2021. In case of delay in making instalments within the time stipulated time supra, the interest payable could be 10% for the delayed period to be recovered from the Officer responsible for disbursement of the amount.

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8. It is made clear that the aforesaid direction to pay interest would not preclude the petitioners / workman to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, they are entitled to receive. Likewise, if the petitioner has any grievance that they are entitled to interest for the amount already settled, they can agitate the same as per law, if they are entitled.

9. The Writ Petition is disposed of with the above observations and directions. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary to Government,
Government of Tamil Nadu,
Rural Development Department,
Fort St.George, Chennai 600 009.
2. The Secretary to Government,
Government of Tamil Nadu,
Social Welfare and Nutritious Meal
Programme Department,
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3. The Director of Rural Development,
Panagal Building,
Saidapet, Chennai 600 015.
4. The District Collector,
Thoothukudi District,
Thoothukudi.

+1 cc to the Government Pleader, Sr.No.39422

+1 cc to M/s.T.Hemalatha, Advocate Sr.No.39010

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NK[co]

NSK 02/09/2021