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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.28163 of 2017

S.R.Shukrulla

... Petitioner

Vs.

1. Government of Tamil Nadu Represented by
Secretary to Government, Revenue Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
3. The Branch Officer,
O/o.Principal Accountant - General [A&E],
Tamil Nadu, Chennai-600 018.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in proceedings No.AG.(A&E)/PEN POI/10114343/R0113445, dated 19.04.2016 and quash the same only to the limited extent of non grant of interest on the belated payment of pension arrears and commuted value of pension to the petitioner and to direct the respondents to sanction and disburse the interest on delayed payment of arrears of pension of Rs.1,79,122/- for the period from 01/05/1997 to 15/04/2016 at 8% per annum and interest on delayed payment on commuted value of pension of Rs.1,78,866/- for the period from 01/05/1997 to 19/04/2016 at 12% per annum and to pay the interest on delayed payment of interest on the above said amounts till the date of actual payment of interest as mentioned above to the petitioner herein, within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader - R1& R2

Mr.Hema Muralikrishnan - R3



ORDER

Heard both sides and perused the materials placed before this Court.

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2.This writ petition has been filed to quash the proceedings of the third respondent dated 19.04.2016 to the limited extent of non grant of interest on the belated payment of pension arrears and commuted value of pension to the petitioner and consequently, direct the respondents to sanction and disburse the interest on delayed payment of arrears of pension of Rs.1,79,122/- for the period from 01/05/1997 to 15/04/2016 at 8% per annum and interest on delayed payment of commuted value of pension of Rs.1,78,866/- for the period from 01/05/1997 to 19/04/2016 at 12% per annum and to pay interest on delayed payment of interest on the above said amounts.

3.According to the petitioner, while serving as Deputy Collector and on the verge of retirement on 30.04.1997, he was subjected to disciplinary proceedings which culminated in show cause notice / final order imposing penalties of cut in pension. Challenging the same, he preferred WP.No.7859 of 2009 and 19686 of 2010, which by order dated 11.09.2014 were allowed by setting aside the proceedings issued against him and directing the respondents to settle all the terminal benefits within a period of eight weeks and further directing to pay interest from the date of retirement till the date of payment. Since the said order was not complied with, within the time frame, the petitioner filed Contempt Petition bearing No.1808 of 2015, during the pendency of which, the third respondent by order dated 19.04.2016, granted certain benefits to the petitioner. Recording the same, the contempt petition stood closed, however granting liberty to him to challenge the said order, as per law, if so advised. It is the grievance of the petitioner that interest is yet to be sanctioned for the period from 01.05.1997 to 30.04.2017 in respect of the belated payment of Rs.1,79,122/- and for the commuted value of pension of Rs.1,78,886/-, as per the order dated 11.09.2014 passed in WP.Nos.7859 of 2009 and 19686 of 2010. In this regard, he made representation to the respondents, which was not considered, till date. Hence, this writ petition.

4.Upon notice, the respondents filed a detailed counter affidavit, wherein, it is inter alia stated that the interest on belated payment of provisional pension to the petitioner for the period from 01.05.1997 to 31.05.1998 (13 months and 15 days) was calculated as Rs.3,917/- and the same was sanctioned by the District Collector, Coimbatore and an amount of Rs.3,37,746/- was sanctioned towards interest for belated payment of DCRG to the petitioner, vide G.O(1D)No.493, Revenue [ser.2(3)]



Department, dated 12.10.2015. It is further stated that the enhanced amount of commutation of Rs.1,78,866/- was already authorised to him and the petitioner is not entitled for interest on the difference in between provisional pension and normal pension as per the Tamil Nadu Pension Rules, 1978; and that, there is no provision for payment of interest in respect of belated payment of commuted value of pension. It is also stated that originally, the commutation of pension was calculated at Rs.93,076/- based on the lesser purchase value of 4.9 as on 2015, however, on the date of retirement, the purchase value that prevailed was 10.46, based on which the commutation of pension payable to him was calculated at Rs.1,78,866/- and accordingly, difference in commutation of Rs.85,790/- was paid to him on 19.04.2016. Thus, according to the respondents, the petitioner has drawn provision pension of Rs.8,55,555/- from 01.05.1997 to 31.10.2015 without deducting any commutation amount, which is higher than the admissible commutation of Rs.5,90,370/- as on 01.05.1997 and therefore, his claim carries no merit.

5.However, in paragraph 18 of the counter affidavit filed by the respondents, it is averred that the application dated 02.02.2017 sent by the petitioner seeking interest on belated payment of commutation value of pension and the belated payment of pension, to the Chief Minister Special Cell, was forwarded to the second respondent by a letter of the first respondent dated 03.03.2017; the Assistant Commissioner of Revenue Administration, Chennai, in his letter dated 10.07.2017 requested the District Collector, Coimbatore to send the pay drawn particulars of provisional pension of the petitioner from 01.05.1997 to sanction of pension; and hence, the petitioner's application is under process.

6.In the light of the specific averment made in the counter affidavit filed by the respondents as stated supra, this Court directs the respondents to pass appropriate orders on the petitioner's application dated 02.02.2017, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

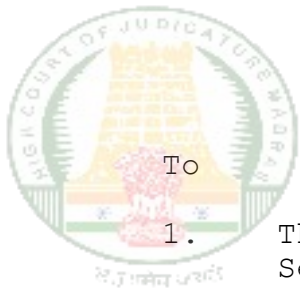
Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Vrc



To

1. The Secretary to Government, Revenue Department,
Secretariat, Chennai - 600 009.

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2. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3. The Branch Officer,
O/o.Principal Accountant - General [A&E],
Tamil Nadu, Chennai - 600 018.

+1cc to M/s. Hema Muralikrishnan, Advocate, S.R.No.11971

+1cc to Mr.M.Ravi, Advocate, S.R.No.12687.

W.P.No.28163 of 2017

BP (CO)
BE (26/07/2021)