



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.[MD]No.6881 of 2021

S.Ravindran

... Petitioner

Vs.

1.The Principal Secretary to Government,
Highways and Minor Ports (HLI) Department,
Secretariat,
Chennai - 600 009.

2.The Superintending Engineer,
National Highways,
Highways Department,
Perumalpuram - 627 007.
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the Second Respondent ie., The Superintending Engineer, National Highways, Tirunelveli in குறிப்பாணை எண் 1109/2015/அ1/நாள் 09.03.2021 and quash the same and consequently direct the first respondent ie., the Principal Secretary to Government, Highways and Minor Ports (HLI) Department, Chennai to sanction 18% interest for belated payment of Encashment of Leave Salary for the period from 01.11.2014 to 14.09.2020.

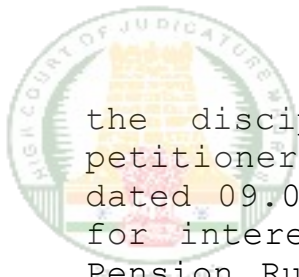
For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The case of the petitioner is that the petitioner was appointed as Assistant Engineer (National Highways), Veppur, Villupuram, and joined duty on 19.03.1983. Thereafter, he secured several promotions and retired on 31.10.2014. Due to pendency of



the disciplinary proceedings, the retirement benefits of the petitioner was paid belatedly. Thereafter, vide impugned order dated 09.03.2021, the petitioner was informed that he is entitled for interest on DCRG alone as per Rule 45(A) of the Tamil Nadu Pension Rules, 1978 and there is no provision of law for belated payment of encashment of leave salary. Challenging the same, the petitioner is before this Court by way of this Writ Petition.

3.The learned Counsel for the petitioner would submit that as the petitioner is entitled for gratuity as per Rule 45(A) of the Tamil Nadu Pension Rules, he is also entitled for interest on belated payment and the said issue has been considered by the Hon'ble Supreme Court in the case reported in **(2001) 9 SCC 687**, wherein the Hon'ble Apex Court has granted simple interest at the rate of 18% for belated payment of the terminal benefits.

4.Heard the learned Counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

5.Admittedly, in the present case, disciplinary proceedings was pending. After the completion of the disciplinary proceedings, the retirement benefits were paid to the petitioner. However, this Court does not find any reasons to interfere with the impugned order which states that there is no provision of law for belated payment of encashment of leave salary. Admittedly, in the absence of any statute, this Court cannot issue a direction for payment of interest on belated payment of encashment of leave.

6.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (RECORDS)

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/ /2021

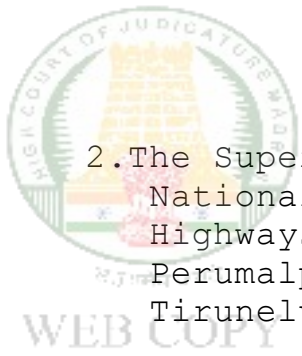
Sub Assistant Registrar(CS)

MR

To

1.The Principal Secretary to Government,
Highways and Minor Ports (HLI) Department,
Secretariat, Chennai - 600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Superintending Engineer,
National Highways,
Highways Department,
Perumalpuram - 627 007.
Tirunelveli District.

+1 CC to MR.S.VISVALINGAM, Advocate (SR-13930[F] dated 26/03/2021)

+1 CC to SPL GP (SR-14090[F] dated 29/03/2021)

+1 CC to MR.MUTHUKARUPPAN, AGP (SR-14390[F] dated 30/03/2021)

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KM(28.05.2021) 3P 6C