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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2021**

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

W.P. (MD)No.2792 of 2019

(Through Video Conferencing)

T.K.Sankar : Petitioner

Vs.

The Principal District Judge,
Madurai District,
Madurai.

: Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondent to pay the interest for the belated payment of retirement benefits due to the petitioner in accordance with the law within a period that may be fixed by this Court.

For Petitioner : Mr.V.Kannan
For Respondent : Mr.G.Thalaimutharasu

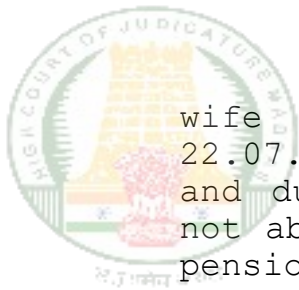
ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who got the benefits in pursuant to the order passed by this Court dated 06.02.2015 seeks payment of interest in this proceedings before us.

2.In the counter affidavit filed, the following has been made:

"2....Further on 27.01.2014, just 5 days prior to the date of his retirement on 31.01.2014, he gave an application for fixation of his pay under FR 22 (2) in the post of Central Nazir, Sub Court, Kovilpatti, which was already fixed under FR22(B) as per the Govt. Letter No.45024/Courts V/2012/7 (Home Courts) dated 03.10.2013. For that pay fixation certain particulars were needed and even though he served as pay drawing officer, (Chief Administrative Officer) who was expected to well aware of the rules regarding pay fixation and submission of pension papers well in advance. Further on perusal of the Service Register of the individual, the name of the nominee of the Writ petitioner was mentioned on 10.11.1988, the name of



wife as S.Leela Lakshmi, but in the nomination dated 22.07.2013 the name of wife was mentioned as S.Saraswathy and due to this discrepancy, the respondent's office was not able to prepare the pension proposal as per Rule 45 of pension Rules.

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Further I submit that in connection with the averments as stated by the writ petitioner in Para No.6 regarding non settlement of certain claims such as amount due from special provident Fund schemes, Dearness Allowance, Earned Leave encashment, Travelling Allowance on retirement, arrears of salary and allowances, in pursuance to the rectification of salary in the post of Central Nazir, the earned leave encashment was sanctioned by the Principal District Judge, (Respondent) as per the proceedings in R.O.C.No.27/B/2014, dated 01.02.2014 (the next day of his superannuation) and the bill was prepared for Rs.4,42,272/- adjusted through ECS on 17.02.2014 to the writ petitioner regarding encashment of unearned leave on private affairs, it was sanctioned by the Principal District Judge (Respondent) as per proceedings in R.O.C.No.82/2014, dated 01.02.2014 for claiming the amounts due to the individual had not submitted Income Tax statement for the year 2013-2014 which was required by the Pay and Accounts Office. Even though the writ petitioner was in the cadre of Chief Administrative Officer, he did not submit income tax statement in time and hence, the delay was caused due to his non submission of Income Tax Statement for the year 2013-2014. Further I submit that, in respect of retirement travelling allowance claim, the individual submitted his application on 29.04.2014 without adequate particulars. The application was returned on 24.09.2014, resubmitted by the individual only on 05.03.2015 and received in this Court on 06.03.2015 through post. After preparing bills, his signature was obtained through a letter dated 12.02.2016 and the bill was passed and adjusted through ECS on 18.02.2016. Hence, there is no delay on the part of Principal District Judge/Respondent."

3. From the above, there was some delay also, which can be attributed to the petitioner at least till the month of February 2016. The order of the Division Bench has to be construed to mean that if the delay is due to the respondent or the Government, then the consequential would follow. No adjudication has been made on this aspect except making observation on the entitlement of pension along with interest, which would only mean the law providing so.

4. However, even in the counter affidavit, nothing has been specified about the reason for making the payment belatedly. The petitioner is not in a position to say when he received the amount

<https://hcserviceapp.in/hcserviceapp/> Thus, this writ petition stands disposed of by



directing the respondent to pay interest at 7.5% per annum from the month of March 2016 till the actual payment made. The calculation followed by payment will have to be made within eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Principal District Judge,
Madurai District,
Madurai.

W.P. (MD)No.2792 of 2019

Dated: 03.03.2021

SGS (CO)

KB(16.03.2021) 3P 2C