



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD).No.16965 of 2021

M.Natarajan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Special Secretary,
Finance (Treasuries and Accounts) Department,
Secretariat,
Chennai - 9.

2.The Special Commissioner and Commissioner,
Treasuries and Accounts,
Chennai - 600 015.

3.The District Treasury Officer,
O/o. The District Treasury Officer,
Treasury Salai,
Dindigul - 2.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a **Writ of Mandamus**, to direct the respondents to pay interest at the rate of 18% per annum for the belated payment of DCRG amount to the petitioner payable from the date of his retirement i.e., from 03.10.2005 to till the date of actual payment to the petitioner by considering the petitioner's representation dated 12.07.2021 within a time frame as stipulated by this Court.

For Petitioner : Mr.Mohammad Suhail, learned
counsel for M/s.Ajmal Associates
For Respondents : Mr.A.K.Manikkam,
Standing Counsel for State.

O R D E R

This Writ Petition has been filed seeking for issuance of a **Writ of Mandamus**, to direct the respondents to pay interest at the rate of 18% per annum for the belated payment of DCRG amount to the petitioner payable from the date of his retirement i.e., from 03.10.2005 to till the date of actual payment to the petitioner by considering the petitioner's representation dated 12.07.2021 within a time frame as stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

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



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

4.According to the petitioner, he was initially appointed as Junior Assistant on 06.09.1972 and he was promoted as Superintendent w.e.f., 06.09.1996. While so, he was issued with a charge memo dated 31.07.2002 alleging that while he was functioning as Additional Sub Treasury Officer, Sub Treasury, Dindigul during the period from 04.06.1998 to 13.06.2001, he had made payment to one Prakash Agarwal, and there were 10 discrepancies found in the said disbursement. Charges were proved and the petitioner was imposed with the punishment of stoppage of increment for a period of two months without cumulative effect. In the meanwhile, the petitioner retired from service on 30.06.2005, after attaining the age of superannuation. The second respondent, vide proceedings dated 16.06.2005, allowed the petitioner to retire from service, withholding Rs.50,000/- from his DCRG. The respondents disbursed the said DCRG amount to the petitioner only on 26.06.2021 after a delay of 21 long months that too after being served with contempt notice from this Court on 05.03.2021. Therefore, the petitioner made a representation dated 12.07.2021 to the respondents, requesting to disburse the interest @ 18% per annum for the delayed disbursement of the withheld DCRG amount. However, the said representation is still pending and no orders were passed till date. Therefore, the present Writ petition has been filed before this Court.

5.The learned counsel for the petitioner would submit that the petitioner is entitled to the interest at 10% for the belated payment of Gratuity amount and in this regard, he relied upon the decision of this Court in WP(MD) No.12774 of 2013 dated 03.09.2019.

6.The learned Standing Counsel appearing for the respondents would submit that petitioner's representation would be considered and appropriate orders will be passed in accordance with law.

7.Considering the submissions made by the learned counsel on either side and considering the limited scope of prayer as sought by the petitioner, this Court, without expressing any opinion on merits, directs the respondents to consider the petitioner's representation dated 12.07.2021 and pass appropriate orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order and the decision taken shall be communicated to the petitioner.



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

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

1. The Special Secretary,
The State of Tamil Nadu,
Finance (Treasuries and Accounts) Department,
Secretariat,
Chennai - 9.

2. The Special Commissioner and Commissioner,
Treasuries and Accounts,
Chennai - 600 015.

3. The District Treasury Officer,
O/o. The District Treasury Officer,
Treasury Salai,
Dindigul - 2.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-29902[F] dated 22/09/2021)

+1 CC to M/s.SPL.GP (SR-29844[F] dated 22/09/2021)

**W.P. (MD) .No.16965 of 2021
20.09.2021**

RS (04.10.2021) 3P 6C