BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD)No.20706 of 2017

M.Ramasamy ...Petitioner

Vs

1.Government of Tamil Nadu,
Represented by its Secretary to Government,
Finance Department, Secretariat, Chennai-9.
2.The Commissioner of Treasuries and Accounts,
Chennai-15.
3.The Accountant General (A&E),
Tamilnadu, Chennai-18. ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to pay interest at the rate of 12% per annum on the belated payment of commuted value of pension of Rs.3,65,387/- for the period from 1.5.2010 till the date of disbursement (ie., 22.8.2012) to the petitioner.

For Petitioner :Mr.V.Kannan
For Respondents 1 & 2 :Mr.A.Karthick
Government Advocate
For Respondent No.3 :P.Gunasekaran

O R D E R

The prayer sought for in the present writ petition is for a direction to the respondents to pay interest at the rate of 12% per annum on the belated payment of commuted value of pension of Rs.3,65,387/- for the period from 1.5.2010 till the date of disbursement (ie., 22.8.2012) to the petitioner.

2. The case of the petitioner is that the petitioner entered service in the Treasuries and Accounts Department as Junior Assistant in the year 1976 and he reached superannuation on 31.01.2010. However, he was allowed to retire from service and the terminal benefits were not settled on the ground that he was facing some Disciplinary Proceedings. The disciplinary proceedings were concluded in the year 2012 and entire terminal benefits were settled in the year 2012 belatedly, however, he is entitled for interest at the rate of 12% per annum for the belated payment from 01.05.2010 onwards till the date of disbursement. Hence, the petitioner sent a representation on 24.10.2016 to the respondents for payment of

interest. But till date no order has been passed. Hence, the petitioner approached this Court with the above said prayer.

3. The learned counsel for the petitioner would submit that the petitioner is entitled for terminal benefits in the year 2010, however, referring the disciplinary proceedings, the terminal benefits were settled in the year 2012 belatedly. Hence, the petitioner is entitled for interest for the belated period of settlement. Therefore, the learned counsel would submit that it would be suffice, if a direction is issued to the respondents to pass orders on considering the petitioner's representation dated 24.10.2016 within a reasonable time as fixed by this Court.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. The fact in the present case is not disputed. Admittedly, the petitioner attained superannuation on 31.01.2010 and permitted to retire on the same day, however, terminal benefits were not settled on the ground that some disciplinary proceedings are pending against the petitioner. It is also not disputed that the petitioner's terminal benefits were settled in the year 2012 after conclusion of the disciplinary proceedings. However, the petitioner was paid commuted value of pension to the tune of Rs.3,73,279/-. Since the disciplinary proceedings was pending against the petitioner at the time of superannuation, he cannot expect to get the terminal benefits from the date of superannuation. Hence, the prayer sought for in this writ petition cannot be granted.

6. In view of the above, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// 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.Secretary to Government,
Government of Tamil Nadu,
Finance Department, Secretariat, Chennai-9.

2.The Commissioner of Treasuries and Accounts,
Chennai-15.

3.The Accountant General (A&E),
Tamilnadu, Chennai-18.

+1 CC to M/s.SPL GP (SR-10135[F] dated 10/03/2021)

W.P.(MD).No.20706 of 2017
09.03.2021

RP(17.05.2021) P 5C