



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.16773 of 2013
and
M.P.No.3 of 2013

T.R.Chandrasekar

...Petitioner

Vs

1. The State of Tamilnadu,
Rep. by its Secretary to the Govt.,
Public Works Department,
Fort St. George, Chennai - 9.
2. Engineer in Chief, W.R.O and
Chief Engineer (General), PWD,
PWD Campus, Chepauk,
Chennai - 5.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of G.O.(2D) No.106, Public Works (F1) Department, dated 27.12.2012 passed by the 1st respondent and quash the same and direct the respondents to pay the leftover interest amounting to Rs.4,36,524/- to the petitioner.

For Petitioner : Mr.S.Packiaraj

For Respondents : Mr.Veda Bagath Singh,
Special Government Pleader

ORDER

The petitioner, while serving as a Superintending Engineer, retired from the services on 30.06.2007. After repeated requests and order of this Court passed in W.P.No.23057 of 2011 dated 12.03.2012, his retirement benefits were settled on 04.10.2012.



The petitioner's request for payment of interest on the belated settlement of the retirement benefits was rejected by the Government, through the impugned Government Order in G.O (2D) No.106, Public Works (F1) Department, dated 27.12.2012. The only reason assigned by the respondents for the belated payment is that the petitioner himself, being a Paying Officer, alone is responsible for getting the said benefits on time.

2. I am not in agreement with such a submission. May be the petitioner would have been the Paying Officer, but the sanction of the retirement benefits would be done only by the Government, based on the proposal of the Paying Officer. Since such a sanction has been belatedly done, the petitioner would be entitled for interest on the same.

3. It is pertinent to point out that when the petitioner's retirement benefits were not disbursed earlier, this Court, in its order dated 12.03.2012, passed in W.P.No.23057 of 2011, had categorically held that the claim for interest on the belated payment, has been settled by the Hon'ble Supreme Court in the case of S.K.Dua Vs State of Haryana reported in (2008) 3 SCC 44 and Union of India Vs M.S.Abdulla reported in (2006) 6 SCC 455, as well as by an Hon'ble Division Bench of this Court in the case of Government of Tamil Nadu Vs Deivasigamani reported in (2009) 3 MLJ 1 and accordingly held that the petitioner would be entitled for interest on the belated payment of the retirement benefits. In spite of such an observation, the Government had chosen to disregard the observation and rejected the petitioner's claim for interest. As a matter of fact, the impugned order, rejecting the petitioner's claim, even though reference has been made to the order of this Court dated 12.03.2012, may amount to willful disobedience of the Court's order. Nevertheless, in order not to further precipitate the matter, this Court is of the view that if a direction is given to the Government to pay interest on the belated payment within a stipulated time, the ends of justice could be secured.

4. In the light of the above observations, impugned Government Order dated 27.12.2012 passed by the first respondent, is quashed and consequently, there shall be a direction to the first respondent herein to forthwith pay interest on the belated payment of the retirement benefits to the petitioner from 30.06.2007 to 04.10.2012, at the rate of ***12%** per annum, within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner is also granted liberty to give a representation, enclosing a copy of this order.



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5. The Writ Petition stands allowed, accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)
Dated: 21/02/2022

*** Corrected as per order of this Court,
dated 28/03/2022 made in W.P.No.16773 of 2013**

Sd/-
Assistant Registrar(CS-II)
Dated : 04/04/2022

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Secretary to the Govt.,
Government of Tamilnadu,
Public Works Department,
Fort St. George, Chennai - 9.
2. Engineer in Chief, W.R.O and
Chief Engineer (General), PWD,
PWD Campus, Chepauk,
Chennai - 5.

*** To be substituted
to the order already
despatched on
22/02/2022**

+1cc to Mr.S.Packiaraj, Advocate, ***SR.No.21261**
+1cc to Government Pleader SR. No.9184

W.P.No.16773 of 2013
and
M.P.No.3 of 2013

SPD (CO)
PR (21/02/2022)
RLP (05/04/2022)