



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

K.Susila W.P.No.29088 of 2008 ... Petitioner

Vs.

- 1.The General Manager,
Salem District Co-operative Milk Products,
Sithanoor, Thalavoipatti, Salem.
- 2.The Tamil Nadu Co-operative Milk Producers,
Federation Employees Gratuity Trust,
Chennai - 600051. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to pay gratuity to the petitioner between the period from 23.03.1983 to 23.03.1995 and accrued interest for the delayed period of payment of gratuity from 31.10.2007 to 10.07.2008 on Rs.1,27,955/- as per G.O.Ms.No.122 Finance (Pension) Department dated 20.02.2005 with compoundable interest at 18% p.a. based on the representation of the petitioner dated 02.09.2008.

For Petitioner : Mr.A.R.Nixon

For Respondents: Mr.Venkatesh [for R1]
Mr.S.Jayachandran [for R2]
Government Advocate (Co-operative)

ORDER

Under G.O.MS.No.122, Finance (Pension) Department dated 20.02.1995, the Government had fixed the rate of interest at 12% p.a. (compounded annually) for delayed payment of Death-cum-Retirement Gratuity to their employees. The Government Order would be applicable to the petitioner's Co-operative Society also. Admittedly, the petitioner herein was permitted to retire on 31.10.2007 and the DCRG benefits were disbursed to her on 10.07.2008 after a period of about 8 ½ months.



2. The reason assigned by the respondents for the belated payment is that there were some charges pending under a charge memo dated 19.10.2007 which came to be dropped only on 07.02.2008. Even assuming that there were some charges pending against the petitioner, the respondents had no authority to withhold the DCRG benefits. As such, the delay in disbursing the DCRG benefits on 10.07.2008, would attract the payment of interest as ordered in G.O.Ms.No.122 dated 20.02.1995

3. Accordingly, there shall be a direction to the respondents herein to pay interest on the DCRG benefits @ 12% p.a. from 31.10.2007 to 10.07.2008, within a period of four weeks from the date of receipt of a copy of this order.

In the result, this Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

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To

1.The General Manager,
Salem District Co-operative Milk Products,
Sithanoor, Thalavoipatti, Salem.

2.The Tamil Nadu Co-operative Milk Producers,
Federation Employees Gratuity Trust,
Chennai - 600051.

+1cc to Mr.A.R.Nixon, Advocate SR.No.16004

+1cc to Mr.V.Raghupathi, Advocate SR.No.15325

+1cc to Government Pleader SR.No.15917

W.P.No.29088 of 2008

GPL (CO)
GMY (25/03/2022)