



W.P. No.7238 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM

THE HON'BLE MR.JUSTICE **M.S.RAMESH**

W.P. No.7238 of 2013

V.Kandasamy

.. Petitioner

Vs

1.The Director of Public Health and
Preventive Medicine,
Chennai – 600 006.

2.The Deputy Director of Health Services,
Paramakudi,
Ramanathapuram District.

3.The Deputy Director of Health Services,
Kovilpatti,
Thoothukudi District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to pay to the petitioner the V Pay Commission Arrears of pay of Rs.3341/- for the period from 01.06.1988 to 31.05.1989 together with interest from 01.08.1989 till the date of payment of the same and grant the petitioner all consequential benefits.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.Stalin Abimanyu,



W.P. No.7238 of 2013

Additional Government Pleader

ORDER

WEB COPY

This petition has been filed by the petitioner, seeking for a direction to the respondents to pay V Pay Commission Arrears of Rs.3,341/- for the period from 01.06.1988 to 31.05.1989 together with interest from 01.08.1989 till the date of payment and grant him all consequential benefits.

2.The petitioner was entitled for the arrears of the revised pay from 01.06.1988 to 31.05.1989. In G.O. Ms. No.351, Finance (Pay Cell) Department dated 13.08.2008, it was ordered that in case of retired employees, the arrears shall be paid with interest from 01.08.1989 and upto the date of retirement of the employees concerned.

3.In the counter affidavit filed by the respondents, it is stated that the entire arrears between 01.06.1988 and 31.05.1989 has been paid to the petitioner.

4.The petitioner now seeks for interest in the light of G.O. Ms. No.351, Finance (Pay Cell) Department dated 13.08.2008. The entitlement with interest insofar as the retired employees are



W.P. No.7238 of 2013

concerned has been settled in the aforesaid G.O. in the following manner:

'(ii)As regard the Fifth Pay Commission Arrears for the period from 01.06.1988 to 31.05.1989, if any claim has to be made in respect of any employee due to administrative reasons, special permission of two months is accorded from the date of issue of this order to the Heads of Departments concerned to claim the arrears of the serving employees and credit the same to General Provident Fund Account of the employees concerned. In case of retired employees, the arrears shall be claimed and paid with interest from 01.08.1989 and upto the date of retirement of the employees concerned. The Treasury Officers/Sub-Treasury Officers/Pay and Accounts Officers shall admit the arrear claims, if otherwise found in order without insisting for specific authorisation from Government. This special permission of two months is granted without reference to the time limit stipulated earlier in the Government letter fifth read above.'

5.The aforesaid extract of the G.O. is self-explanatory. The petitioner being a retired employee, would therefore entitle for interest on the arrears of pay that was already settled to him on 12.09.2018.



WEB COPY



W.P. No.7238 of 2013

M.S.RAMESH,J.

vga

6.In this background, there shall be a direction to the first respondent herein to pass appropriate orders, disbursing the interest on the arrears of pay for the period from 01.08.1989 till the date of the petitioner's retirement i.e. 31.05.2003. Such order shall be passed atleast four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands disposed of. No costs.

19.10.2022

Index : Yes

vga

To

- 1.The Director of Public Health and Preventive Medicine,
Chennai – 600 006.
- 2.The Deputy Director of Health Services,
Paramakudi,
Ramanathapuram District.
- 3.The Deputy Director of Health Services,
Kovilpatti,
Thoothukudi District.

W.P. No.7238 of 2013