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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.13059 OF 2014

S.Janakavalli

...Petitioner

Vs.

- 1.The State of Tamilnadu
Rep.by the Secretary to Government
Rural Development Department,
Fort St.George, Chennai - 600 009.
- 2.The State of Tamilnadu
Rep.The Secretary
Department of Finance (Pension)
Fort St.George, Chennai - 9.
- 3.The Accountant General
(A&E) (Tamil Nadu)
Office of the Accountant General,
Teynampet, Chennai.
- 4.The Commissioner,
Directorate of Rural Department
and Panchayat Raj,
Panagal Buildings, Saidapet,
Chennai - 600 015.
- 5.The District Collector,
The District collector Office
Dharmapuri.
- 6.The Director,
Directorate of Rural Department
and Panchayat Raj,
Panagal Buildings, Saidapet,
Chennai - 600 015.

...Respondents

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus calling for the entire records connected with the proceedings of the 1st respondent in Letter No.10365/E1/2013-7 dated 18.02.2014 and the further



communication of the 6th respondent in Na.Ka.No.10151/2011/Retirement-3 dated 28.02.2014 quash the same and consequently, direct the 2nd and 3rd respondent herein to pay the petitioner interest at the rate of 18% for the petitioner's pension, GPF and leave encashment from the date of superannuation i.e.31.01.2011 till the date of disbursal of the same i.e. 21.02.2013.

For Petitioner : Mr.D.Ashok Kumar
for Mr.D.Asenthamani

For Respondents : Mr.L.S.M.Hasan Fizal
Nos.1,2,4 to 6 Additional Govt.Pleader

Respondent No.3 : No appearance

O R D E R

The claim of the writ petitioner is to grant interest for the belated settlement of terminal and pensionary benefits.

2.The learned counsel for the petitioner mainly contended that the petitioner submitted a representation to the District Collector to settle the terminal and pensionary benefits on 21.09.2011 and there was a delay in settling the benefits. Thus, the petitioner is entitled for interest for the belated settlement of the retiral benefits.

3.In respect of the representation dated 21.09.2011, the petitioner has not produced any acknowledgement or reference by the respondents and in the absence of any such acknowledgement, Court cannot trust the sanctity of the representation and grant interest for the belated settlement. As per the orders of the head of the department and the Government, the petitioner has submitted the pension proposal only on 10.02.2012 in the prescribed format and based on the pension proposal, all the benefits were settled and therefore, there was no delay in settling the benefits. When there was a delay on the part of the petitioner in submitting the proposal for grant of retiral benefits, the petitioner is not entitled to claim interest for the belated payment of retiral benefits. When the delay is at the instance of the petitioner, he is not eligible to claim interest for belated settlement. In the present case, the petitioner though states that he submitted an application in the year 2011, he could not able to establish that the said representation was acknowledged by the respondent for the purpose of grant of interest and therefore, the receipt of pension proposal by the respondent is to be taken into consideration and as per the pension proposal, there was no delay in settling the pensionary benefits and thus, the petitioner has not established any acceptable ground for the purpose of granting the relief.



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4. Accordingly the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

sms/sli

To

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+1cc to M/s. J. Sreevidya, Advocate Sr.No. 35433
+1cc to the Government Pleader Sr.No. 35889

W.P.No. 13059 of 2014

SKM(CO)
RVM(07/07/2022)