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W.P.No. 19046 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No. 19046 of 2018

Dr.Padmarajan,
Senior Civil Surgeon(Retired)

..Petitioner

Vs.

1.Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.

2. The Accountant General (A & E),
Tamil Nadu, Chennai – 600 018.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the 1st respondent to pay interest at the rate of 12% per annum from the date of my retirement on 31.12.2011 AN till the actual payment of the following retirement benefits (i). Death cum retirement gratuity of Rs.9,01,221/- on 10.03.2015 (ii) Encashment of earned and unearned leave of Rs.7,10,941/- on 23.06.2016, (iii) commuted pension of Rs.6,29,935/- on 29.12.2015.



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For Petitioner : Mr.N.S.Nandakumar
For Respondent : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader
[R1]
Mr.V.Murali
Standing Counsel [R2]

ORDER

The prayer sought for herein is for a writ of mandamus, directing the 1st respondent to pay interest at the rate of 12% per annum from the date of his retirement on 31.12.2011 AN till the actual payment of the following retirement benefits (i). Death cum retirement gratuity of Rs.9,01,221/- on 10.03.2015 (ii) Encashment of earned and unearned leave of Rs.7,10,941/- on 23.06.2016, (iii) commuted pension of Rs.6,29,935/- on 29.12.2015.

2. The petitioner was working as Senior Civil Surgeon at the first respondent Department and on superannuation, he retired from service on 31.12.2011.



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3. Though he retired from service on 31.12.2011, his retirement benefits like death cum retirement gratuity, encashment of earned and unearned leave, commuted pension were not disbursed immediately and after prolonged efforts taken in this regard by the petitioner, it was paid only on 10.03.2015, 23.06.2016 and 29.12.2015 respectively. Therefore, there was a delay in payment of four to five years. Hence for the delayed period of retirement benefits including gratuity etc., the petitioner is entitled to get interest as per the permissible rate of interest for such belated payment. Therefore, in order to get the interest, when the petitioner made representation after representation right from 2015 nothing was forthcoming and last such representation was given by the petitioner on 31.03.2018, even that did not give any desired result, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

4. Heard Mr.N.S.Nandakumar, learned counsel appearing for the petitioner, who having reiterated the aforesaid would seek indulgence of this Court to give a direction to the respondents to consider the request of the petitioner dated 31.03.2018 and pass orders, sanctioning the interest



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payable to the petitioner for the belated payment of retirement benefits as stated supra within a time frame that may be stipulated by this Court.

5. Heard Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader appearing for the first respondent and Mr.V.Murali, learned Standing Counsel appearing for the second respondent. They would submit that the delay caused in disbursing the retirement benefits whether is attributable on the petitioner or on the respondents Department is to be verified and based on which, the representation of the petitioner would be decided on merits and in accordance with law within a time frame that may be stipulated by this Court.

6. In view of the aforestated submissions made by both sides and having regard to the facts of the case, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be direction to the respondents especially the first respondent to consider the representation of the petitioner dated 31.03.2018 and decide the same on merits and in accordance with law, as to the plea of the petitioner to get interest for the belated



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payment of retirement benefits, which was paid in 2015 and 2016, even though the petitioner was superannuated in December, 2011 and accordingly pass orders, sanctioning such interest for the belated payment of retirement benefits and such order shall be communicated to the petitioner within a period of eight(8) weeks from the date of receipt of a copy of this order.

With these directions, this writ petition is disposed of accordingly.

No Costs.

27.07.2022

Index : Yes/No

Internet: Yes/No

mp

To

1. Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.

2. The Accountant General (A & E),
Tamil Nadu, Chennai – 600 018.



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R.SURESH KUMAR.J,
mp

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