



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE M. S. RAMESH**

W.P. (MD) No. 16047 of 2022

WEB COPY

A. George

... Petitioner

/vs./

1. The Principal Secretary,
School Education,
Government of Tamil Nadu,
St. George Fort,
Chennai.

2. The Commissioner,
School Education,
Government of Tamil Nadu,
St. George Fort,
Chennai.

3. The Principal Account General (Accounts & Entitlements),
361, Anna Salai,
Tenampet,
Chennai.

4. The Block Education Officer,
Thiruvattar Block,
Thiruvattar Post,
Kanyakumari District.

5. The Correspondent,
Holy Family Higher Secondary School,
Mukkootukal,
Manjalumoodu (PO),
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records on the files on of the 1st respondent pertaining to its proceedings in Government Letter No. 17071/PaKa6(2)/2020-6 dated 20.11.2021 and to quash the same and consequently directs the respondent to pay the accrued rate of interest with cumulative effect towards the delay caused on payment of revised gratuity commencing from 16.03.2009 to the date of payment as per G.O.Ms.No.122 Finance (Pension) Department dated 20.02.1995 considering the petitioner's representations and remainder dated 01.10.2020 within a time frame that may be fixed by this Court.



WEB COPY



For Petitioner : Mr.T.Jeen Joseph
For Respondents : Mr.S.Shaji Bino
Special Government Pleader
(for R1, R2 & R4)
Mr.P.Gunasekaran
Standing Counsel (for R3)

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Aggrieved against the belated settlement of the revised gratuity to the petitioner, he has claimed interest on the belated payment in this Writ Petition.

3. The petitioner's wife died on 15.03.2009 and at the time of her death, she was entitled for a sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) towards Death Cum Retirement Gratuity. Through G.O.Ms.No.235, Finance (Pension) Department, dated 01.06.2009, the gratuity amount was enhanced to Rs.10,00,000/- (Rupees Ten Lakhs only) and accordingly, the petitioner had received the balance amount of Rs.6,50,000/- (Rupees Six Lakhs and Fifty Thousand only) on 04.08.2012.

4. Since the petitioner was entitled to receive the difference of gratuity, pursuant to its enhancement, through G.O.Ms.No.235 Finance (Pension) Department, dated 01.06.2009, he would be entitled for belated payment of the enhanced gratuity, from the date of the aforesaid Government Order, ie., 01.06.2009, till 04.08.2012, when the difference amount was received by him.

(*) 5. In view of the aforesaid Government Order, the petitioner would be entitled for payment of interest and hence, the impugned order, dated 20.11.2021 rejecting the petitioner's claim for payment of the interest on the belated payment cannot be succeeded.

6. Accordingly, the impugned order in Government Letter No.17071/PaKa6(2)/2020-6, dated 20.11.2021 on the file of the first respondent is hereby quashed. Consequently, there shall be a direction to the respondents to pay interest to the petitioner, at the rate of 6% per annum, on the belated payment of the enhanced gratuity of Rs.6,50,000/- (Rupees Six Lakhs and Fifty Thousand only), for the period between 01.06.2009 and 04.08.2012, within a period of three(3) months from the date of receipt of a copy of this order.



7.This Writ Petition stands allowed accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-)

(*)Modified as for order of this Court dated 02.09.2022

// True Copy //

/09/2022

Sub Assistant Registrar(CS)

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TO:

- 1.The Principal Secretary,
School Education,
Government of Tamil Nadu,
St.George Fort,
Chennai.
 - 2.The Commissioner,
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Government of Tamil Nadu,
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 - 3.The Principal Account General (Accounts & Entitlements),
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Tenampet,
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 - 4.The Block Education Officer,
Thiruvattar Block,
Thiruvattar Post,
Kanyakumari District.
- +1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-37727[F] dated 12/08/2022)
- +1 CC to M/s.SPL.GP (SR-38573[F] dated 17/08/2022)

Order made in

W.P. (MD) No.16047 of 2022

Dated:12.08.2022

srr(CO)

TR(16.09.2022) 3P 7C