

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

**W.P.(MD).No.19260 of 2022
and
W.M.P.(MD).No.14051 of 2022**

P.Mangayarkarasi

... Petitioner

Vs.

1.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

2.The Block Educational Officer,
O/o. the Block Educational Office,
Ambasamudiram,
Tirunelveli.

3.The Secretary and Correspondent,
Perumal Thevar Memorial Primary School,
Kakanallur,
Ambasamudiram,
Tirunelveli District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to pay interest at the rate of 18 % per annum for the belated settlement of the retirement benefits to the petitioner payable from the date of his retirement i.e.,

from 31.01.2018 to till the date of actual payment to the petitioner within the period that may be stipulated by this Court.

For Petitioner : M/s.J.Irfana Fathima
for M/s.Ajmal Associates
For R-1 and R-2 : Mr.A.Kannan,
Additional Government Pleader.

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 terminal benefits to the petitioner, she has claimed interest on the belated payment in this Writ Petition.

3.In identical issues, this Court has passed various orders, justifying the payment of interest to the aggrieved pensioners and in the order dated 13.12.2019 in W.P.(MD).No.26481 of 2019, the following order came to be passed:-

“5.I am not in agreement with the said representation made. There was already a duty cast on the respondent Corporation to pay the terminal benefits on the date of

retirement itself and the very fact that the belated disbursement of retirement benefit, had already put the retired employee to serious prejudice, entertaining the present request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employee.

6.In the light of the above observations, there shall be a direction to the respondent /Corporation to pay the penal interest at the rate of 6% per annum on the belated payment of the retirement benefits for the period from the date of the retirement, till the date of actual disbursement, as expeditiously as possible and in any event, not before the expiry of three months from the date of receipt of a copy of this order.”

4.This Court is of the view that the respondents could be directed to pay the interest on the belated payment, at the rate of 6% per annum, as ordered in the above Writ Petition.

5.In this background, there shall be a direction to the respondents to pay the interest to the petitioner at the rate of 6% per annum on the belated payment of the retirement benefits, commencing from the date of retirement, till the date of actual disbursement, within a period of three (3) months from the date of receipt of a copy of this order.

6.This Writ Petition stands partly allowed in accordance with the above terms. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

23.08.2022

Index : Yes / No
Internet : Yes/ No
Lm/Rmk

To

- 1.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.
- 2.The Block Educational Officer,
O/o. the Block Educational Office,
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Tirunelveli.

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M.S.RAMESH, J.

Lm/Rmk

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