



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.04.2022

CORAM:

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

W.P. (MD)No.20513 of 2019

Shanmugavadiivu

... Petitioner

Vs.

1.The Accountant General
Tenampettai
Chennai 18.

2.The District Treasury Officer,
Tuticorin District,
Tuticorin.

3.The Sub Treasury Officer,
Vilathikulam
Tuticorin District.

4.The Assistant Educational Officer,
Pudur, Vilathikulam,
Tuticorin District.

5.The Secretary
Hindu Nadar Primary School
M.Vedapatty
Vilathikulam Taluk
Tuticorin District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to pay 12% interest for the abnormal belated payment of retirement benefits of the petitioner's husband, lifetime arrears of pension of her husband till his deceased ie., 22.07.2013 and family pension arrears to the petitioner in view of the representation dated 19.09.2019.

For Petitioner

: Mr.A.Gandiappan

For Respondents

: Mr.P.Gunasekaran for R1

Mr.G.V.Vairam Santhosh
for R2 to R4

Additional Government Pleader
Mr.V.Angusamy for R5

ORDER

The relief sought for in the present writ petition is to direct the respondents to pay 12% interest for the abnormal belated payment of retirement benefits of the petitioner's husband.



2.The petitioner's husband viz., Shanmugavel was working as a Second Grade Teacher in the fifth respondent school and retired from service on 31.05.2000.

3.The grievance of the writ petitioner is that the terminal benefits were settled belatedly and therefore, the petitioner is entitled for interest.

4.The learned counsel for the first respondent made a submission that absolutely there was no delay on the part of the authorities in sanctioning the pensionary benefits and pension. In fact, even before the date of retirement on 09.05.2008, the Principal Accountant General of Tamil Nadu granted authorization for payment of pension and there was no delay at all. The delay occurred on account of the dispute between the deceased employee and the fifth respondent school, for which, the Government cannot be made liable to pay interest.

5.This Court is of the opinion that there was no delay on the part of the Government authorities and also on the part of the Principal Accountant General of Tamil Nadu and the authorization was given immediately even before the retirement of the deceased employee. The deceased employee retired from service on 31.05.2000, however there was a dispute between the fifth respondent school and the deceased employee, which resulted in belated payment of terminal benefits. This being the factum, the petitioner is at liberty to claim interest against the fifth respondent, if she is otherwise entitled in accordance with law.

6.With these observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Accountant General
Tenampettai
Chennai 18.

2.The District Treasury Officer,
Tuticorin District,

<https://hcservices.tn.gov.in/hcservices/>



3.The Sub Treasury Officer,
Vilathikulam
Tuticorin District.

4.The Assistant Educational Officer,
Pudur, Vilathikulam,
Tuticorin District.

+1 CC to M/s.V. ANGUSAMY, Advocate (SR-21530[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21882[F] dated 27/04/2022)

W.P. (MD) No.20513 of 2019
26.04.2022

SS/30.05.2022 : 3P/7C