



W.P.(MD).No.7374 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.7374 of 2015

P.Raju

... Petitioner

Vs.

The Principal Secretary to Government,
The State of Tamil Nadu,
Backward Classes, Most Backward Classes
and Minorities Welfare Department,
Fort St.George,
Chennai – 600 009.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records elating to the impugned order issued by the respondent herein in Letter No. 8771/BNa3(1)/2011-14 dated 03.03.2015, quash the same and further direct the respondent herein to pay appropriate interest to the petitioner for the delayed payment of pension and other retiral benefits within a reasonable time as may be specified by this Court.

For Petitioner : Mr.E.V.N.Siva

For Respondent : Mr.P.Thambi Durai,
Government Advocate,
(Civil Side).



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ORDER

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This Writ Petition has been filed for Writ of Certiorarified Mandamus to quash the impugned order dated 03.03.2015 and consequently direct the respondent to pay appropriate interest to the petitioner for the delayed payment of pension and other retiral benefits.

2. The brief facts as stated in the affidavit are that while the petitioner was working as Educational Officer in Kallar Reclamation, he was placed under suspension vide G.O.(2D)No.10 (Backward Classes, Most Backward Classes and Minorities Welfare Department) dated 28.05.2004, which was issued on the verge of his retirement. The petitioner attained superannuation on 31.05.2004 and was not allowed to retire. After detailed enquiry, the charges were dropped vide G.O.(2D).No.58 (Backward Classes, Most Backward Classes and Minorities Welfare Department) dated 05.09.2007. However, a criminal proceedings was initiated and F.I.R. was registered in Crime No.9 of 2006. After investigation, an Action Dropped report was filed before the concerned Court. Thereafter, through G.O.(D).No.45 (Backward Classes, Most Backward Classes and Minorities Welfare Department) dated 04.09.2008, the petitioner was permitted to retire from service on 31.05.2004 without prejudice to the disciplinary proceedings. Thereafter, there was no legal impediment for



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sanctioning the retirement benefits to the petitioner. However, the same was disbursed by the respondents belatedly on 25.07.2011 and on 22.08.2011.

Thereafter, the suspension period was regularized in terms of Rule 54 and the salary was sanctioned belatedly through G.O.(2D)No.05 (Backward Classes, Most Backward Classes and Minorities Welfare Department) dated 21.02.2011. After regularizing the suspension period, the pension papers were submitted to the appropriate authority. Thereafter, the Accountant General had sanctioned the pension amount from June 2011 onwards. The contention of the petitioner is that in spite of the Government Order dated 04.09.2008, permitted the petitioner to retire from service, the respondent deliberately presented the papers before the Accountant General belatedly and he has sanctioned the terminal benefits from the year 2011 onwards. Hence, the petitioner prayed for interest for the belated payment of terminal benefits by filing this Writ Petition.

3. The respondents are filed a counter stating that after G.O.(D).No.45 (Backward Classes, Most Backward Classes and Minorities Welfare Department) dated 04.09.2008, the petitioner was accorded provisional pension as per Rule 9 of the Tamil Nadu Pension Rules 1978. After the Action Dropped report in the criminal proceedings, the petitioner was imposed with a punishment as per Rule 9 vide G.O.(3D)No.93 dated 29.04.2009. Thereafter, the District Revenue Officer vide communication dated 29.01.2010 narrated the



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entire details to the higher authority to pay pension and other benefits. Finally, G.O.(2D).No.05, (Backward Classes, Most Backward Classes and Minorities Welfare Department) dated 21.02.2011 was issued regularizing the period from 29.05.2004 to 31.05.2004. After the suspension period was regularized, the entire retirement benefits were sanctioned on 13.07.2011. On receipt of the same, the Accountant General had sanctioned retirement benefits for the month of June 2011. The petitioner submitted a representation to pay interest for belated payment by narrating the entire facts. The respondent declined to grant interest vide order dated 03.03.2015. Therefore, the respondent submitted that the petitioner is not entitled to any interest. Hence, prayed to dismiss this Writ Petition.

4. Heard Mr.E.V.N.Siva, learned counsel for the petitioner and Mr.P.Thambi Durai, learned Government Advocate (Civil Side), appearing for the respondent and perused the records.

5. On perusal of the records it is seen that the petitioner is not entitled to interest from the year 2008 onwards, since the respondent allowed the petitioner to retire from service without any prejudice to the pending disciplinary proceedings. After the criminal proceedings were dropped, the respondent proceeded with the disciplinary proceedings and imposed a



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punishment. After imposition of punishment in the year 2009, the respondent ought to have acted expeditiously to grant terminal benefits. However, there was a delay thereafter. The District Revenue Officer has submitted a proposal in the year 2010, then, the suspension period was regularized in the year 2011. Thereafter, the pension proposals were submitted to the Accountant General. From the year 2009 to 2011 onwards, there was an absolute delay. This Court is of the considered opinion that by granting interest at the rate of 7% to the petitioner for the period from the year 2009 to 2011 would meet the ends of justice. Therefore, the respondent is directed to grant interest at the rate of 7% from 30.04.2009 to 31.05.2011 and the said exercise shall be completed within a period of eight (8) weeks from the date of receipt of the copy of the order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

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