



WEB COPY



W.P.No.12696 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12696 of 2012

V.Radhigha

... Petitioner

Vs.

- 1.The State of Tamilnadu
Rep. by its Secretary to Government,
Revenue Department,
Secretariat, Fort St.George, Chennai 600 009
- 2.The District Collector,
Salem
- 3.The Principal Accountant General(A.E),
O/o.Accountant General,
Anna Salai, Chennai 600 018

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to pay interest at applicable rates for the delayed sanctioning and payment of encashment of earned leave and leave on private affairs and DCRG/Gratuity to the petitioner for the period from 01.02.2009 to 15.11.2011 and pay the same to the petitioner, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Gajendran



W.P.No.12696 of 2012

For Respondents

For R1 & 2 : Mr.M.Muthusamy,
Government Advocate

For R3 : Mrs.Hema Muralikrishnan

ORDER

This writ petition has been filed for direction to the respondents to pay interest at applicable rates for the delayed sanctioning and payment of encashment of earned leave and leave on private affairs and gratuity for the period from 01.02.2009 to 15.11.2011.

2. Heard, the learned counsel appearing on either side.

3. While pending the writ petition, the second respondent by order dated 19.03.2022, ordered to draw and disburse the interest for the belated payment of death cum retirement gratuity to the petitioner herein. The said claim was billed and it requires fund allotment to sanction the bill. By the communication dated 22.03.2022, it was requested from the Principal Secretary / Commissioner of Revenue Administration for allotment of these amounts of Rs.1,00,602/-. After receipt of the said amount, it will be disbursed to the petitioner.



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4. The learned counsel for the petitioner submitted that the second respondent calculated interest at the rate of 8% per annum. However, the petitioner is entitled for interest at the rate of 12% as per Rule 45-A of Tamilnadu Pension Rules, 1978.

5. Therefore, the petitioner is at liberty to claim interest, if she is aggrieved over the order passed by the second respondent in the manner known to law. It is also made clear that the second respondent is directed to disburse the interest amount within a period of four weeks from the date of receipt of copy of this order.

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

17.08.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.Secretary to Government,
The State of Tamilnadu
Revenue Department,
Secretariat, Fort St.George, Chennai 600 009
- 2.The District Collector,
Salem
- 3.The Principal Accountant General(A.E),
O/o.Accountant General,
Anna Salai, Chennai 600 018
4. The Government Advocate,
High Court, Madras.

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