



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1030 of 2023

M.Chandrasekaran

Petitioner

vs.

The Commissioner,
Salem City Municipal Corporation,
Salem – 636 016.

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to pay appropriate interest to the petitioner for the delayed sanction and disbursement of retirement benefits for the period from 01.05.2020 to 24.08.2021.

For Petitioner : Mr.N.Palanikumar

For Respondent : Ms.N.Devi
Standing Counsel

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondent to pay interest to the petitioner for the delayed sanction and disbursement of the retirement benefits.



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2. Heard Mr.N.Palanikumar, learned counsel appearing on behalf of the petitioner and Ms.N.Devi, learned Standing Counsel appearing on behalf of the respondent.

3. The petitioner had approached this Court and filed W.P.No.18824 of 2020 seeking for a direction to the respondents to disburse the retirement benefits of the petitioner. The petitioner retired after attaining superannuation on 30.04.2020. Since the pensionary benefits were not settled and the pension was not fixed, the petitioner approached this Court and filed W.P.No.18824 of 2020. During the pendency of that writ petition, the retirement benefits were settled and the petitioner is receiving pension w.e.f. 25.08.2021.

4. The cause of action for filing the present writ petition is that there was a delay of nearly sixteen months in settling the pensionary benefits and hence, the petitioner made a representation in this regard seeking for payment of interest. Since, the same was not considered, the present writ petition has been filed seeking for payment of interest for the delayed payment of the retirement benefits.



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5.It is now too well settled that the retirement benefits that are paid to an employee is not a bounty and it can be claimed as a matter of right. For the services that have been put in by an employee, the least that an employer should do is to settle the pensionary benefits on time. If the same is not done, it can only be presumed that the employer is not recognizing the valuable services rendered and hence, under such circumstances, the employee is entitled for interest for the delayed payment of the pensionary benefits.

6.There is no dispute with regard to the fact that there was nearly sixteen months delay in settling the pensionary benefits to the petitioner for the period from 01.05.2020 to 24.08.2021. The petitioner is entitled for payment of interest for this period. In view of the same, there shall be a direction to the respondent to pay interest at the rate of 10% per annum to the petitioner for the above said period and the said amount shall be disbursed, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the respondent along with all the relevant documents and also a copy of this order.



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N. ANAND VENKATESH, J.

ssr

8.In the result, this writ petition is allowed with the above direction.

No Costs.

**23.01.2023
(2/2)**

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

The Commissioner,
Salem City Municipal Corporation,
Salem – 636 016.

W.P No.1030 of 2023