



WEB COPY



Writ Appeal No.1683 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 5/4/2023

C O R A M

THE Hon'ble Mr.Justice D.KRISHNAKUMAR

a n d

THE Hon'ble Ms.Justice K.GOVINDARAJAN THILAKAVADI

Writ Appeal No.1683 of 2015

a n d

M.P.No.1 of 2015

C.B.M.College
rep. By its Secretary
Coimbatore 641 042.

...

Appellant

Vs

1. R. Sekar
2. The Regional Joint Director of Collegiate Education
Coimbatore Region
Coimbatore 641 018.
3. The Treasury Officer
Coimbatore Huzur Treasury
Coimbatore 641 018.
4. The Accountant General
Office of the Accountant General
Teynampet
Chennai 600 018.

...

Respondents

PRAYER : Appeal filed under Clause 15 of Letters Patent against the order dated 21/7/2015 made in W.P.No.21715 of 2015 and M.P.Nos.1 to 3 of 2015.



WEB COPY



Writ Appeal No.1683 of 2015

For appellant ... Mr.K.S.Govinda Prasad

For respondents ... Mr.R.Subramanian
for R.1

Mr.L.S.M.Lasom Fikal
Additional Government Pleader
for R.R.2 and 3.

Batta with petition due
regarding R.4.

J U D G M E N T

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J)

Feeling aggrieved and dissatisfied with the impugned order, dated 21/7/2015 made in W.P.No.21715 of 2015, by which the learned Single Judge of this Court has disposed of the writ petition.

2. Brief facts which are necessary for the disposal of this writ appeal are as follows:-

The writ petitioner is a retired Associate Professor of Chemistry. He retired from the appellant/first respondent College w.e.f. 30/6/2014. Since there was a delay in paying the retirement/pensionary benefits, which was



not paid despite various correspondences and representations, writ petitioner has filed a writ petition in W.P.No.21715 of 2015, praying for the issuance of a writ of mandamus to direct the respondents to disburse all the terminal benefits with 18% interest p.a.

3. Vide, order, dated 21/7/2015, a learned Single Judge of this Court has directed the Management to send the proposals to the Regional Joint Director of Collegiate Education/second respondent therein, within a period of four weeks from the date of the receipt of a copy of the order and further directed the second respondent therein to pass orders, within a period of four weeks, thereafter. Being aggrieved, the Management has come before this Court.

4. Heard Mr.K.S.Govinda Prasad, learned counsel appearing for the appellant, Mr.R.Subramanian, learned counsel for the first respondent and Mr.L.S.M.Lasam Fizal, learned Additional Government Pleader, appearing for the respondents 2 and 3.

5. Learned counsel appearing for the first respondent submitted that the respondent has already retired from service on 30/6/2014 and has



received all terminal benefits during the course of the legal battle with the appellant with rectified pay anomaly with delays varying from 27 to 73 months, for which the appellant is liable to pay a penal interest @ 18% p.a., from the date of due to the date of realization for all the terminal benefits.

6. In the counter affidavit filed by the first respondent, amount due from each terminal benefit and the corresponding interest due for the delayed payment at the rate of 18% p.a., are tabulated as hereunder:-

S. No.	Terminal benefits	Due date	Date of realization	Amount due and delay in months	Interest @ 18%
1.	Re-employment salary with pay anomaly rectification – Rs.67,640/- p.m.	For the period from 1/7/2014 to 31/5/2015	23/11/2016 (without rectification) 31/1/2019 (after rectification)	11,26,067/- (27 months)	3,65,420
				79,603 (72 months)	32,239/-
2.	Pension	1/7/2014	19/1/2016 (without rectification) 31/1/2019 (After rectification)	13,65,236/- (27 months)	Rs.2,17,460/-
				Rs.3,61,878 (72 months)	Rs.2,93,121/-
3	Commuted value of pension	1/7/2014	19/10/2016 (without rectification) 10/1/2019 (after rectification)	Rs.9,71,668/- (28 months)	4,81,000/-
				Rs.93,278/- (39 months)	54,570/-



S. No.	Terminal benefits	Due date	Date of realization	Amount due and delay in months	Interest @ 18%
4.	DCRG	1/7/2014	19/10/2016	10,00,000 (28 M)	4,20,000/-
5.	EL & UEL Final surrender	1/7/2014	20/3/2017 (without rectification) 31/7/2020	8,74,874/- (32 months) Rs.82,624/- (73 months)	4,19,939/- 90,473/-
				Total interest	23,73,722/-

7. It is further stated that the appellant did not comply with the directions given by this Court, despite serving of the contempt notice. Hence, prays this Court to direct the appellant to pay the interest at the rate of 18% p.a., which amounts to Rs.23,73,722/- for the delayed disbursement of all the terminal benefits.

8. Perused the materials available on record.

9. Having heard the learned counsel for the respective parties, we are of the considered opinion that as there was a delay in making the payment of retirement benefits and settling the dues for which the employee/first respondent is not at all responsible and he is entitled to the interest on the delayed payment.



Writ Appeal No.1683 of 2015

WEB COPY

10. In view of the above, the first respondent is directed to make a representation to the second respondent for claiming interest for the belated settlement, within a period of one month, from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representation, and pass orders, within a period of twelve weeks, after providing an opportunity to the appellant. The Management is directed to pay the interest at the rate of 6% p.a., on the delayed payment of retirement benefits to the appellant, from the date of retirement till the actual payment was made, subject to the final decision that may be taken by the second respondent.

11. With the above direction, this writ appeal is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

(D.K.K.,J) (K.G.T.,J)
5th April, 2023

mvs.

Index: Yes/No

Neutral Citation: Yes/No



Writ Appeal No.1683 of 2015

To

WEB COPY

1. The Regional Joint Director of Collegiate Education
Coimbatore Region
Coimbatore 641 018.
2. The Treasury Officer
Coimbatore Huzur Treasury
Coimbatore 641 018.
3. The Accountant General
Office of the Accountant General
Teynampet
Chennai 600 018.

D.KRISHNAKUMAR,J



WEB COPY



Writ Appeal No.1683 of 2015

A N D

K.GOVINDARAJAN THILAKAVADI,J

mvs.

W.A.No.1683 of 2015

5/4/2023