



WEB COPY



W.P.No.13666 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.02.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.13666 of 2016

S.Dakshinamoorthy
Sub Inspector of Police (Retired)
Vellore District
No.6, Kothandapillai Street,
DKM, College Road,
Sainathapuram, Vellore.

.. Petitioner

/versus/

1.Secretary to Government of Tamil Nadu,
Finance Department, Secretariat,
Fort St.George, Chennai-600 009.

2.Deputy Inspector General of Police,
Vellore Range, Vellore.

3.Accountant General,
Tamil Nadu, Chennai 600 018.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to claim and disburse the interest for the belated payment of Leave salary of Rs.333225/- from 01.05.2011 to 10.09.2014 and interest for belated payment of Death cum Retirement Gratuity of Rs.594530/- from 01.05.2011 to 09.11.2014, interest for belated payment of General



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Provident Fund of Rs.585395/- from 01.05.2011 to 16.11.2014 and interest for belated payment of pension arrears of Rs.529364/- and commuted value of pension of Rs.347382/- from 01.05.2011 to 29.01.2015 to the petitioner as per Rule 45-A of the Tamil Nadu Pension Rules, 1978 and Government orders therefor for allowing interest.

For Petitioner :Mr.N.Krishnakumar

For Respondents :Mr.D.Gopal, Government Advocate
for R1 and R2
Mr.V.Murali for R3

ORDER

When the petitioner reached the age of superannuation on 31.01.2011, he was placed under suspension citing the pendency of criminal case in C.C.No.34 of 2010. He was also parallely proceeded with departmental action under Rule 3(b) of Tamil Nadu Police Subordinate Services (Discipline and Appeal Rules),1955, in P.R.No.3 of 2011. In view of the pendency of these proceedings, the retirement benefits were not settled on his retirement. In the departmental action in P.R.No.3 of 2011, 'Censure' was awarded by the Deputy Inspector General of Police, Vellore on 10.10.2011. Thereafter, on 01.10.2012, the petitioner was acquitted from the criminal charges through the judgment of the learned Judicial Magistrate No.II, Vellore passed in C.C.No.34 of 2010. After



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01.10.2012, there was no impediment on the part of the respondents to settle the retirement benefits. However, the Death cum Retirement Gratuity of Rs.5,34,930/-/- was settled on 10.11.2014; General Provident Fund of Rs.5,85,395/- on 17.11.2014; Towards Leave Salary of Rs.3,33,225/- on 11.09.2014; and Special Provident Fund of Rs.28,657/- on 15.07.2014. There is absolutely no explanation for the belated payment of the DCRG and other benefits between 01.10.2012 and 10.11.2014.

2. The learned Government Advocate appearing for respondents 1 and 2 placed reliance on the averments in the counter affidavit and submitted that since the petitioner was entitled for revision of pay, as per G.O.Ms.No.237, Finance (PC) department, dated 22.07.2013, steps have been taken to regulate his pay and therefore, the benefits were settled belatedly.

3. I am not agreement with such submissions made. After the petitioner was acquitted from the criminal charges, he had given a representation to the respondents on 11.12.2012 itself bringing to their



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knowledge about the judgment of acquittal. As such, the DCRG and other benefits ought to have been disbursed to the petitioner immediately on their knowledge. The revision of his pay is a subsequent event, which gave the petitioner entitlement to claim the same under G.O.Ms.No.237, Finance (PC) Department, dated 22.07.2013. Even assuming that the Government had taken some time to revise the scale of pay, the same could have been done even after disbursement of the retirement benefits after 01.10.2012, since it was a rightful entitlement of the petitioner to seek for the revised scale. Thus, the reason adduced by the respondents for the delay is unacceptable.

4. Since the gratuity amount has been withheld illegally for the period after 01.10.2012, the petitioner would be entitled for statutory interest of 10% p.a., as per the provisions of the Payment of Gratuity Act, 1972.

5. In the light of the above findings, there shall be a direction to the first respondent to forthwith pass an order, granting interest on the belated payment of DCRG, GPF, TLS and SPF at the rate of 10% p.a., for the



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period between 01.10.2012 and 10.11.2014 on the DCRG. Such orders for disbursement of the interest amount shall be passed, atleast within a period of four weeks, from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands allowed. No costs.

14.02.2023

Index:yes/no

Speaking order/non speaking order
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To:

1.Secretary to Government of Tamil Nadu,
Finance Department, Secretariat,
Fort St.George, Chennai-600 009.

2.Deputy Inspector General of Police,
Vellore Range, Vellore.

3.Accountant General,
Tamil Nadu, Chennai 600 018.



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M.S.RAMESH, J.

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