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W.P.No.23293 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM:

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

W.P.No.23293 of 2012

K.Nachiappan

... Petitioner

Vs.

1. Government of Tamilnadu,
Rep. by its Secretary,
Municipal Adminsitration & Water Supply Department,
Fort St.George, Chennai 600 009
2. The Director of Town Panchayats,
Kuralagam, 4th Floor, Chennai 600 108
3. The District Collector,
Coimbatore District Collectorate,
Coimbatore 641 018
4. The Assistant Director of Town Panchayats,
Coimbatore Zone,
Coimbatore 641 018

... 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 the petitioner the interest at the prevailing rate of interest payable for GPF on the sum of Rs.2,13,576/- from 31.01.2005 till 25.03.2011 as per Rule 45A of the Tamilnadu Pension Rules, 1978 pursuant to the petitioner's representation dated 14.09.2011 sent to the third respondent.

For Petitioner : No appearance



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For Respondents : Dr.T.Seenivasan,
Special Government Pleader

ORDER

This writ petition has been filed for direction to the respondents to pay interest for the GPF amount from 31.01.2005 to 25.03.2011.

2. The petitioner was appointed as Lower Divisional Clerk in the Moopiripalayam Town Panchayat, Coimbatore District and subsequently promoted to the post of Head Clerk and Executive Officer Grade-I. Finally, he was promoted to the post of Selection Grade Executive Officer in the service of Government of Tamilnadu. Thereafter, he was retired from service on 31.01.2005 due to his superannuation. He was allowed to retire from service on condition that "without prejudice to the disciplinary case pending against him". He was served with charge memo under section 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. After completion of enquiry, by an order dated 11.10.2010, the first respondent had passed



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an order, thereby dropped the charges levelled against the petitioner.

Only thereafter, he was settled with all benefits. Therefore, the petitioner submitted representation claiming interest for the belated payment of his terminal benefits.

3. It is seen that after the order passed by the first respondent dated 11.10.2010, the Accountant General, Chennai passed Gratuity Order on 10.02.2011 and accordingly, he was paid gratuity amount. Rule 45(1-A) of Tamilnadu Pension Rules says the period beyond such interest is payable i.e. in the case of a Government servant retired otherwise on superannuation and where the death cum retirement gratuity is withheld on account of disciplinary proceedings pending against him, as three months from the date of retirement where the Government servant is exonerated of all charges and where the death cum retirement gratuity is paid on the conclusion of disciplinary proceedings.

4. In the case on hand, immediately within the period of three months and some days, the Accountant General passed order to pay



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Gratuity and accordingly, the said amount was paid to the petitioner on 25.03.2011. As such, there was no delay and he is not entitled for any interest. Therefore, this writ petition is devoid of merits and liable to be dismissed.

5. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

04.09.2023

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
lok



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To

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3. The District Collector,
Coimbatore District Collectorate,
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4. The Assistant Director of Town Panchayats,
Coimbatore Zone,
Coimbatore 641 018
5. The Government Advocate,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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