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W.P.No. 26566 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM:

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

W.P.No. 26566 of 2012

and

M.P.No.1 of 2012

N.Karunakaran
Assistant (Retd.)

... Petitioner

Vs.

1. The Secretary to Government,
M.A. & W.S. Department,
Fort St. George, Chennai-9.
2. The Commissioner of Municipal
Administration,
Chepauk, Chennai-600 005.
3. The Commissioner,
Kancheepuram Municipality,
Kancheepuram.
4. The Director of Local Fund Audit,
Kuralagam, 4th Floor,
Chennai-600 108.

... Respondents

PRAYER: Writ Petition has been filed under Art. 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to



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pay the interest at the rate of 12% per annum for the delayed payment of retirement benefits as well as pension to the petitioner within time framed by this Hon'ble Court.

For Petitioner : Mr.M.Muthappan
For R1 to R3 : Dr.T.Seenivasan,
Special Government Pleader

ORDER

This Writ Petition has been filed for direction directing the respondents to pay the interest at the rate of 12% p.a. For the delayed payment of retirement benefits as well as pension to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

3. The petitioner was appointed as Junior Assistant in the year 1971 at Thiruppattur Municipality. He had applied for housing loan and the same was sanctioned in his favour. The recovery would be in 106 monthly instalments of Rs.1,000/- each towards the principal and interest. The said instalment to be recovered from his monthly salary. However, the third respondent was directed to recover the entire loan and also to take appropriate disciplinary action against the petitioner for non-compliance of



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the terms and conditions of the loan sanctioned letter. Accordingly, the third respondent initiated action to recover the said amount. In the meantime, the petitioner attained the age of superannuation and he was permitted to retire from his service on 30.11.2007 subject to the condition that recovery of the above said loan amount and for the belated collection of property tax, professional tax and also without prejudice to the disciplinary proceeding to be initiated for non-compliance of the housing loan conditions.

4. The third respondent issued a charge memo and the petitioner submitted his detailed explanation. Subsequently, Enquiry Officer was appointed and the charge memo was challenged by the petitioner before this Court in W.P.No.23062 of 2008. This Court, by an order dated 17.12.2008, directed the third respondent to complete the enquiry and pass final order within the period of four weeks from the date of receipt of a copy of the order. The Enquiry Officer conducted enquiry and the petitioner was exonerated from all the charges levelled as against him. Though the petitioner was allowed to retire from service on 30.11.2007, he was not paid retirement benefits as well as the pensionary benefits.

5. The retirement benefits were paid to the petitioner only on



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15.10.2009. As per G.O. (Ms) No.122 Finance (Pension) Department, dated 20.02.1995, the petitioner is entitled 12% interest for the belated payment. Pursuant to the subsequent Government Order in G.O.(Ms) No. 173, Finance (Pension) Department, dated 01.04.2004, the petitioner is also entitled for compound interest. Therefore, the petitioner made a representation. As per Sub-Rule 1 of Rule 45A of the Tamil Nadu Pension Rule, the petitioner is entitled for interest at the rate of 12% p.a.

6. In view of the above, the third respondent is directed to pay interest at the rate of 12% p.a. for the delayed payment of retirement benefits to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index: Yes/No
Internet: Yes/No
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To



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Kancheepuram.
4. The Director of Local Fund Audit,
Kuralagam, 4th Floor,
Chennai-600 108.
4. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

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