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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6131 of 2023

M.Manoharan ...Petitioner

Vs

1.State of Tamil Nadu,
Rep. by the Additional Commissioner (Admn.),
Office of the Principal Secretary &
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The Joint Commissioner (Admn.),
Office of the Principal Secretary &
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The Joint Commissioner of
Commercial Taxes,
Dr.Balasundaram Road,
Coimbatore - 600 018.

4.The Assistant Commissioner (CT),
Commercial Taxes, Singanallur Circle,
Dr.Balasundaram Road,
Coimbatore - 600 018. ...Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records, relating to the memorandum No.V3/1397055/2021, dated 19.07.2022 on the file of the second respondent and to quash the same and to direct the respondents to pay the interest for the belated payment of the amounts due to the petitioner, towards his retirement benefits of commuted pension and pension arrears, from 28.02.2014 till payment.

For Petitioner : Mr.P.Raja
For Respondents : Mr.N.Manoharan
for Mr.K.Vasanthamala,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in the present Writ Petition is to quash the rejection order of the second respondent dated 19.07.2022, with a consequential direction to the respondents to pay interest on the belated payment of the retirement benefits.

3. When the petitioner herein had earlier sought for a similar relief in W.P.No.5466 of 2022, this Court, by its order dated 10.03.2022, had

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disposed of the Writ Petition with a direction to the respondents to consider the representation of the petitioner dated 29.03.2021 within a period of twelve weeks. Pursuant to the said order, the second respondent herein had passed the impugned order, rejecting the claim of the petitioner stating that as per the Tamil Nadu Pension Rules, 1978, the petitioner is not entitled for interest on the retirement benefits. Aggrieved against the same, the petitioner has filed the present Writ Petition.

4. Insofar as the petitioner's claim for interest on the belated payment of the terminal benefits is concerned, this Court has passed various orders, justifying the payment of interest to the aggrieved pensioners and in the case of ***S.P.Ramasamy Vs. The Managing Director, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd. and others*** passed in ***W.P.(MD).No.26481 of 2019, dated 13.12.2019,*** the following order came to be passed:-

> *"5.I am not in agreement with the said representation made. There was already a duty cast on the respondent Corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement*

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benefit, had already put the retired employee to serious prejudice, entertaining the present request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employee. 6.In the light of the above observations, there shall be a direction to the respondent /Corporation to pay the penal interest at the rate of 6% per annum on the belated payment of the retirement benefits for the period from the date of the retirement, till the date of actual disbursement, as expeditiously as possible and in any event, not before the expiry of three months from the date of receipt of a copy of this order."

5. In the light of the aforesaid order passed by this Court, the impugned order passed by the second respondent, rejecting the petitioner's request for payment of interest on the belated payment of the retirement benefits, cannot be sustained.

6. In the result, the impugned order dated 19.07.2022 is quashed. Consequently, there shall be a direction to the second respondent herein to pay the interest on the belated payment of the terminal benefits to the

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petitioner at the rate of 6% per annum, commencing from the date of his retirement, till the date of actual disbursement, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition stands ordered. No costs.

02.03.2023

Index:Yes/No
Speaking order/Non-speaking order
hvk

To
1.The Additional Commissioner (Admn.),
Office of the Principal Secretary &
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The Joint Commissioner (Admn.),
Office of the Principal Secretary &
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The Joint Commissioner of
Commercial Taxes,
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M.S.RAMESH,J.

hvk

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