



W.A.No.300 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE D.BHARATHACHAKRAVARTHY**

**W.A.No.300 of 2018
and
C.M.P.No.2306 of 2018**

The Chief Engineer(General,
Highways,
presently Director General
Highways Department
Chepauk,
Chennai - 5.

... Appellant

Vs.

R.Panchapagesan
Senior Draughting Officer (Under suspension)
Pudukottai (Highways)
102, 2nd Main Road,
LIC Colony Western Extn.,
Medical College Road,
Thanjavur - 613 007

..Respondent

Writ Appeal filed under Clause 15 of Letters Patent against the
order dated 16.09.2014 made in W.P.No.12423 of 2014 .

For Appellant : Mr.Silambanan,
Additional Advocate General
assisted by Mrs.S.Anitha
Special Government Pleader



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For Respondents : Mrs.M.Malarvizhi Udyakumar

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J U D G M E N T

This writ appeal is directed against the order of the learned single Judge dated 16.09.2014 in W.P.No.12423/2014, in and by which, the learned single Judge, allowed the writ petition filed by the respondent.

2. The writ petition was filed by the respondent aggrieved by the order of suspension as there was prolonged suspension. The learned single Judge found that there was force in the argument of the petitioner since the petitioner was placed under suspension after 10 years from the date of the alleged incident. Now, another 10 years have also gone by. In that view of the matter, no exception whatsoever can be taken to the directions of the learned single Judge in allowing the writ petition and directing the respondent to settle all the benefits to the petitioner as if he was not placed under suspension, within a period of three months from the date of receipt of copy of the order of the writ petition. Learned single Judge also directed for payment of interest at the rate of 6% per annum if the benefits are settled within a time granted by the learned single Judge. If it is not paid, it is stipulated that the interest will be at 12% per annum.

3. The learned Additional Advocate General in the alternate would



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plead that atleast the rate of interest shall be interfered with by this Court.

4. We feel that the learned single Judge has rightly ordered interest at the rate of 6% per annum and only on default 12% per annum. However, in the facts and circumstances of the case, we extend the time granted by the learned single Judge to pay the benefits with interest at the rate of 6% per annum, less the amount already paid, within a period of 60 days from the date of receipt of a copy of this order, failing which, as ordered by the learned single Judge, the amount shall be paid with interest at the rate of 12% per annum. The Writ Appeal is disposed of accordingly. No costs.

Index : Yes / No
Internet : Yes
vsi

(J.N.B,J.) (D.B.C, J.)
06.06.2023

J. NISHA BANU, J.



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and
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vsi

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