



W.P.No.9829 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.9829 of 2020

R.Muthusamy

...Petitioner

-Vs-

1.The Principal Accountant General,
(A & E), Tamil Nadu,
Anna Salai,
Thenampet,
Chennai - 600 018.

2.The District Treasury Officer,
District Treasury,
Salem District.

3.The Chief Medical Officer,
Government Hospital,
Omalur,
Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to pay the retirement benefit viz., DCRG bill together with 12% interest of the petitioner mother R.Rukumani who died on 22.08.2013 to the petitioner.



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For Petitioner : Mr.Karan and Uday

For Respondent 1 : Mr.V.Vijayasankar, Standing Counsel

For Respondents 2 & 3 : Mr.V,Ramesh, Government Advocate

ORDER

This writ petition has been filed seeking to issue a writ of mandamus directing the respondents to pay retirement benefit i.e., DCRG bill together with 12% interest to the petitioner for the death of his mother on 22.08.2013.

2. Heard the learned counsel for the petitioner, learned Standing Counsel appearing for the first respondent and the learned Government Advocate appearing for the respondents 2 and 3.

3. During the course of hearing, learned Government Advocate submits that they sent a proposal on 16.08.2017 to the first respondent for payment of DCRG bill to the petitioner.

4. Learned Standing Counsel appearing for the first respondent submits that the amount payable towards DCRG bill is already paid to the petitioner in the year 2020 itself.



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5. Learned counsel for the petitioner also accepted the receipt of payment in the year 2020 towards DCRG bills. Now the learned counsel for the petitioner contends that for the delay of seven years in making the payment to the petitioner towards DCRG bill, the petitioner is entitled for the interest for the belated payment.

6. Learned Standing Counsel appearing for the first respondent submits that it is for the respondents 2 and 3 to pay the interest, but the first respondent has no role to pay the interest.

7. Learned Government Advocate appearing for the respondents 2 and 3 contends that as already entire payment towards DCRG bill is paid to the petitioner by the respondents, the petitioner is not entitled to claim interest in this case.

8. Having heard the submissions of the respective counsels and on careful perusal of the materials available on record, this Court is not accepting the contention of the learned Government Advocate that the petitioner is not entitled for the interest as already DCRG amount is paid.



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This Court is not accepting the contention of the learned counsel for the first respondent also that they are not responsible for the delay and as such, they need not pay any interest to the petitioner.

9. Admittedly, the mother of the petitioner died on 22.08.2013. Thereafter, immediately, the respondents have to make payment to the petitioner towards DCRG bill. It is an admitted fact that the proposal is not sent to the first respondent by the respondents 2 and 3 till 16.08.2017. Thereafter also, the first respondent did not take any steps to make payment to the petitioner.

10. Now the first respondent on one side and the respondents 2 and 3 on the other side, throwing burden on each other for the delay caused. Admittedly, there is a delay of seven years in settling the DCRG bill amount to the petitioner. The delay occurred also not reasonable.

11. Under the circumstances, in the considered opinion of this Court, the petitioner is entitled for the interest for the belated payment.



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12. For the above mentioned reasons, it is held that the petitioner is entitled for the interest as per section 7(iii) of Gratuity Act, 1972.

Accordingly, this writ petition is disposed of with the following directions:

(i) The respondents shall pay interest as per the rates notified by the Central Government in the relevant year to the petitioner, calculating 30 days from the date of entitlement of the said amount to the petitioner, within a period of four weeks from the date of receipt of a copy of this Order.

(ii) There shall be no order as to costs.

(iii) Consequently, connected miscellaneous petition is closed, if any.

26.06.2023

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Note: Issue order copy on 28.06.2023.

Index: Yes/No

Neutral Citation: Yes/No



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To

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(A & E), Tamil Nadu,
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BATTU DEVANAND, J.

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