IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.16369 of 2020

V.K.Ramakrishnan (M/70)
S/o.Late Kandasamy,
No.3, Raghuram Street,
Arumbakkam. Chennai 600 106

... Petitioner

/Vs/

1. The State of Tamil Nadu represented
   by its Additional Chief Secretary to Government
   Department of Revenue Disaster Management,
   Fort St. George,
   Chennai 600 009

2. The Commissioner of Revenue Administration,
   Chepauk, Chennai 600 005.

3. The District Collector,
   Chennai.

4. The Principal Accountant General of Tamil Nadu,
   No.361, Annasalai,
   Teynampet, Chennai

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to pay interest at the rate of 8% per annum to the petitioner on the belated payment of all retirement benefits including arrears of pension, Death cum Retirement Gratuity, Commutation of Pension, Tamil Nadu Special Provident Fund, encashment of leave salary, from the date of his superannuation / retirement on 30.06.2008, to the actual date of disbursement of the retirement benefits.

For Petitioner	:	Mr.R.Prem Narayan
For Respondents	:	Mr.P.Sanjai Gandhi (for R1 to R3) Government Advocate
		Mrs.C.Sangamithirai (for R4) Central Government Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the respondents to pay interest at the rate of 8% per annum to the petitioner on the belated payment of all retirement benefits including arrears of pension, Death cum Retirement Gratuity, Commutation of Pension, Tamil Nadu Special Provident Fund, encashment of leave salary, from the date of his superannuation / retirement on 30.06.2008, to the actual date of disbursement of the retirement benefits.

2.The learned counsel for the Petitioner submitted that the Petitioner was working as Tahsildar and he was placed under suspension and not allowed to retire from service on attaining the age of superannuation on 30.06.2008. No charge memo was framed against the Petitioner under Tamil Nadu Civil Service Discipline Rules. Subsequently, the Superintendent of Police CBCID sent a letter to the third Respondent stating that the Petitioner is not an accused in the criminal case and he was only examined as a witness. Based on the directions of the first and the second Respondent, the third Respondent issued an order in proceedings No.A4/48224/2006 dated 05.11.2014, revoking the suspension of the Petitioner and permitting him to retire from service with effect from 30.06.2008. Hence the Petitioner filed this Petition seeking direction to the respondents to pay interest at the rate of 8% per annum to him on the belated payment of all retirement benefits including arrears of pension, Death cum Retirement Gratuity, Commutation of Pension, Tamil Nadu Special Provident Fund, encashment of leave salary, from the date of his superannuation/retirement on 30.06.2008, to the actual date of disbursement of the retirement benefits.

3.Heard the learned counsel for the Petitioner, learned Government Advocate for Respondents 1 to 3 and the learned standing counsel for the fourth Respondent.

4.The point for consideration is whether the Petitioner is entitled for the benefit of interest for the delayed payment of retirement benefits other than DCRG.

5.Even according to the Petitioner he has received the DCRG, but there is a delay in settling the rest of the retirement benefits. The Respondent also did not deny the fact that there occurred a delay, and the Petitioner cannot be blamed for the delay caused on the part of the Respondent. In this regard learned counsel for the Petitioner relied upon the Division Bench Judgment of this Court in W.A.No.886 of 2007, wherein it is stated as under:

"6.The contention of the appellant that as per the Government norms, interest can be paid only on Death-cum-Retirement Gratuity, in case of delay and the same cannot be awarded to any other retiral benefits, is not tenable, in view of the decision of the Supreme Court in S.K.Due v. State of Haryana reported in 2008 (3) SCC 44. In the reported case, the appellant therein was served with three charge sheets/show cause notices in June 1998, few days before his retirement. However, he retired on 30.06.1998 on reaching the age of superannuation. He was paid provisional pension, but other retiral benefits were not given to him, which included commuted value of pension, leave encashment, gratuity, etc. They were withheld till the finalisation of disciplinary proceedings. While answering the issue as to whether the appellant therein was entitled to interest on delayed payment of retiral benefits, in the absence of any statutory rules/administrative instructions or guidelines, the Supreme Court, at Paragraph 14 of the judgment, held as follows:

> *"14. In the circumstances, prima facie, we are of the view that the grievance voiced by the appellant appears to be well founded that he would be entitled to interest on such benefits. If there are statutory rules occupying the field, the appellant could claim payment of interest relying*

> *on such rules. If there are administrative instructions, guidelines or norms prescribed for the purpose, the appellant may claim benefit of interest on that basis. But even in the absence of statutory rules, administrative instructions or guidelines, an employee can claim interest under Part III of the Constitution relying on Articles 14, 19 and 21 of the Constitution. The submission of the learned counsel for the appellant, that retiral benefits are not in the nature of "bounty" is, in our opinion, well founded and needs no authority in support thereof. In that view of the matter, in our considered opinion, the High Court was not right in dismissing the petition in limine even without issuing notice to the respondents."*

7.In view of the judgment of the Supreme Court, it is now well settled that an employee is entitled to interest on belated payment of pension and other retiral benefits, even in the absence of statutory rules/administrative instructions or guidelines...”

6.Taking into consideration of the above facts and circumstances and also relying upon the judgment rendered on the similar aspect, I feel the Petitioner should be given with a reasonable interest on the rest of the retirement benefits which is yet to be settled to him.

7.In the result, the respondents are directed to pay interest at the rate of 6% per annum to the petitioner on the belated payment of all retirement benefits including arrears of pension, Commutation of Pension, Tamil Nadu Special Provident Fund, encashment of leave salary, from 01.10.2008, to the actual date of disbursement of the retirement benefits.

8.With the above direction, this Writ Petition is disposed of. No costs.

19.10.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To

1. The State of Tamil Nadu represented
by its Additional Chief Secretary to Government
Department of Revenue Disaster Management,
Fort St. George,
Chennai 600 009

2. The Commissioner of Revenue Administration,
Chepauk, Chennai 600 005.

R.N.MANJULA, J.

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