



WEB COPY



W.P.No.19058 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.19058 of 2020

Anbalagan

...
/vs/

Petitioner

1. Additional Chief Secretary to Government,
Home Department,
Secretariat, Chennai – 9.

2. The Director General Prisons and
Correctional Services,
Whannels Road, Egmore,
Chennai – 8.

3. The Superintendent,
Central Prison-II,
Puzhal, Chennai – 66.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 16.07.2020 and 20.08.2020 and consequently direct the first respondent to sanction interest payment of Rs.3,84,231/- (Rupees Three Lakhs eighty four thousand two hundred and thirty one only) for the delayed payment of Death cum Retirement Gratuity



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and another sum of Rs.3,84,318/- (Rupees three lakhs eighty four thousand three hundred and eighteen only) for the delayed payment of surrender leave salary.

For Petitioner ... Mr.R.Thomas

For Respondents ... Mr.G.Nanmaran
Special Govt. Pleader

ORDER

This writ petition has been filed for the issuance of the writ of mandamus to direct the first respondent to consider the petitioner's representation dated 16.07.2020 and 20.08.2020 and consequently direct the first respondent to sanction interest payment of Rs.3,84,231/- for the delayed payment of Death cum Retirement Gratuity and another sum of Rs.3,84,318/- for the delayed payment of surrender leave salary.

2. The petitioner who had attained the age of superannuation on 31.10.2016 was not permitted to retire on the date of superannuation because of certain charges pending against him. However, on 12.06.2019 the disciplinary action initiated against the petitioner was dropped and his suspension was also revoked. Thereafter the petitioner was allowed to retire



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by virtue of G.O.(D) No.972 Home Department, dated 28.08.2019.

Subsequently, the Government has issued G.O.Ms.324 dated 20.03.2021 by calculating interest from February, 2017 to April, 2020 i.e. for a period of three years and three months and sanctioned the same. The petitioner had claimed interest for the delay of three years and 10 months. Since the rules provide payment of interest for the delay caused in settling the Death Cum Retirement Gratuity (DCRG), the first respondent has sanctioned the interest on DCRG. However the petitioner produced the Government Order in G.O.(D) No.1487 dated 20.07.2021 by stating that the interest has to be paid for the delay caused in settling the leave encashment also.

3. Even the rules do not say, I feel in the interest of justice the first respondent had considered in paying interest on leave encashment also in some other cases and the same logic can be applicable to the petitioner also. Hence, I feel the first respondent shall pay interest for the leave encashment and other retiral benefits due to the petitioner for the same period for which interest on DCRG has already been allowed.

4. Accordingly this Writ Petition is disposed with a direction to the



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first respondent to pay interest for the leave encashment and other retiral benefits due to the petitioner for the period from February, 2017 to April, 2020 and for which interest on DCRG has already been allowed, within a period of six weeks from the date of receipt of a copy of this order. No costs.

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Index: Yes / No

Speaking order / Non-speaking order

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To:

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R.N.MANJULA ,J.

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