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W.P.No.23272 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23272 of 2023 and
W.M.P.No.22810 of 2023

M.Ranganathan, (M/80 Yrs),
S/o.Madurai,
Formerly Sub-Inspector of Police,
Special Branch,
Neyveli, Cuddalore District.

... Petitioner

Versus

- 1.The Superintendent of Police,
Villupuram District, Villupuram.
- 2.The Deputy Inspector General of Police,
Villupuram Range, Villupuram.
- 3.The Director General of Police,
Mylapore, Chennai – 4.
- 4.The Secretary to Government,
Home (Police IV) Department,
Fort St George, Chennai – 9.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction in the nature of Writ, calling for the records of the respondents in connection with the impugned order passed by the 1st respondent in Na.Ka.No.T2/1158/2023, dated 13/02/2023 and quash the same and direct the respondents to sanction 12% interest compounded annually, for the belated payment of the retirement benefits from the date of superannuation i.e. 31/05/1996 to till the date of actual disbursement till



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30/01/2017 and grant such other further relief as this Court may deem fit in the circumstances of the case.

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For Petitioner : Mr.M.Muthappan
For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the 1st respondent in connection with impugned order in Na.Ka.No.T2/1158/2023, dated 13.02.2023 and quash the same and direct the respondents to sanction 12% interest compounded annually for the belated payment of the retirement benefits from the date of superannuation i.e., 31.05.1996 to till the date of actual disbursement till 30.01.2017.

2.The grievance of the Writ Petitioner is that the petitioner superannuated in the year 1996. Due to the pendency of the criminal case, the petitioner was suspended, but not allowed to retire from the service. After ful-fledged trial, the petitioner was convicted in the criminal case in S.C.No.335 of 2010, dated 19.09.2013. Aggrieved over the same, an appeal was preferred by the petitioner before this Court in CrI.A.No.653 of 2013 and the same was ended in acquittal on 27.03.2014 setting aside the judgment of the trial Court. Thereafter, based on the recommendation sent



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by the 1st respondent, the petitioner's terminal benefits were settled in the year 2017. Citing the delay in paying the terminal benefits, the petitioner has given representation, dated 05.11.2022 to the 1st respondent. The 1st respondent, by order, dated 13.02.2013 in Na.Ka.No.T2/1158/2023 rejected the claim of the petitioner holding that there is no delay in disbursing the retirement benefits. As against the impugned order, the present Writ Petition has been filed.

3.Heard the submissions of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials.

4.Though the petitioner attained the age of superannuation in the year 1996, the fact remains that he along with another were prosecuted in a criminal case regarding custodial death. Originally, the petitioner was found guilty by the trial Court in S.C.No.335 of 2010, thereafter, he was acquitted by this Court in CrI.A.No.653 of 2013 setting aside the judgment of the trial Court. Only in the year 2016, the petitioner was allowed to retire from service at the intervention of this Court, thereafter within a year, the



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entire terminal benefits were settled to him immediately. Only due to pendency of the criminal case, there was delay in disbursing the terminal benefits to the petitioner. This being the position, the petitioner, as a matter of right, cannot seek any interest for delayed terminal benefits and there was no deliberate inaction on the part of the respondents in paying the terminal benefits.

5.In such view of the matter, this Court is of the view that the delay cannot be attributed to the respondents and the respondents cannot be fastened with any liability to pay any interest for the terminal benefits.

6.Accordingly, this Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

08.08.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To
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N.SATHISH KUMAR, J.
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