



W.P(MD)No.2559 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2559 of 2021

C.Sobitharaj

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Environment and Forest Department,
Fort.St.George,
Secretariat,
Chennai-600 015.
- 2.The Principal Chief Conservator of Forests,
Chennai-600 015.
- 3.The Chief Conservator of Forests,
Tirunelveli Regional,
Tirunelveli-627 007.
- 4.The District Forest Officers,
Kanniyakumari Division,
Vadasery, Nagercoil,
Kanniyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to pay the 12% of interest in the heads of Gratuity and Pension arrears for the period from December 2015 to actual payment



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date in view of the order passed in WP(MD).No.24480 of 2018, dated 07/01/2019 within a time frame that may be fixed by this Court.

For Petitioner : Mr.P.Saravanakumar

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking a Mandamus for payment of 12% interest under the head of gratuity and pension arrears for the period between December 2015 till actual payment date.

2. The petitioner had attained superannuation on 30.09.2007 and his terminal benefits were released only on 16.06.2015. The petitioner was granted interest under G.O.Ms.No.103 Environment and Forests (FR.2(i)) Department, dated 07.05.2018. Having not been satisfied with the said Government order, the petitioner challenged the same in W.P(MD)No.24480 of 2018. The said writ petition was allowed by this Court on 07.01.2019 with a direction to the respondents to calculate the interest at 12% on the retirement benefits from the date of retirement till the date of payment and pay the same within a period of eight (8) weeks from the date of receipt of copy of the order.



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3. In compliance with the orders of this Court, the 1st respondent has passed G.O(D)No.114 Environment and Forests (FR.2(i)) Department, dated 02.09.2020 calculating interest at the rate of 12% and arrived at a total sum of Rs.6,89,874/- (Rupees Six Lakh Eighty Nine Thousand Eight Hundred and Seventy Four only) as interest. Admittedly, the said amount has also been paid to the writ petitioner. However, the present writ petition has been filed on the ground that the interest portion was received by the petitioner only in the year 2020 and therefore, for the period between 16.06.2015 till 2020 again interest should be paid to the writ petitioner.

4. A perusal of the order of this Court in W.P(MD)No.24480 of 2018, dated 07.01.2019 would clearly reveal that this Court has directed to calculate the interest only from the date of retirement till the date of payment. Admittedly, in the present case, the petitioner has retired on 30.09.2007 and terminal benefits have been released only on 16.06.2015. For the above said delay, interest has also been paid at the rate of 12% as per the orders of this Court. The question of granting interest from 16.06.2015 till he received the interest does not arise. The writ petition is misconceived and there are no merits.



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WEB COPY 5. Hence, this Writ Petition stands dismissed. No costs.

20.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Principal Secretary,
The Government of Tamil Nadu,
Environment and Forest Department,
Fort.St.George,
Secretariat,
Chennai-600 015.
- 2.The Principal Chief Conservator of Forests,
Chennai-600 015.
- 3.The Chief Conservator of Forests,
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- 4.The District Forest Officers,
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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.2559 of 2021

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