



WEB COPY

Cont.P.(MD)No.954 of 2021



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Cont.P.(MD)No.954 of 2021
in
W.A.(MD)No.358 of 2020**

R.Krishnasamy

... Petitioner

vs.

1.Dr.K.Gopal, I.A.S.,
The Principal Secretary to the Government,
Rural Development and Panchayatraj Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.Thiru.Parveen P.Nair, I.A.S.,
The Commissioner of Rural Development and
Panchayat Raj, Panagal Building,
Saidapet,
Chennai – 600 015.

3.Shri.D.Jaisankar, I.A. & A.S.,
The Principal Accountant General (A & E),
Tamil Nadu, Teynampet,
Chennai – 6000 18.

... Respondents

Prayer :- Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents herein for their wilful and wanton disobedience of the orders passed by this Court, in W.A.(MD)No.358 of 2020 under the Contempt of Courts Act.



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For Petitioner : Mr.A.Thirumurthy
For Respondents 1 and 2 : Mr.D.Sasikumar
Additional Government Pleader
For 3rd Respondent : Mr.P.Gunasekaran

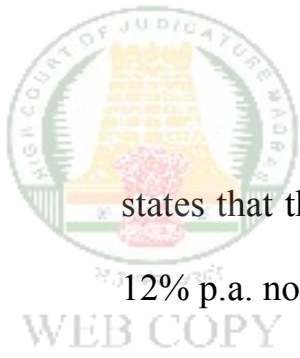
ORDER

DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

The petitioner herein, who retired as Joint Director of Rural Development and Panchayat Raj, had a grievance regarding payment of retirement benefits, which was withheld in view of departmental proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules.

2. This Court while directing the respondents to pay all the pensionary benefits, refixing it with effect from 12.10.1998 and 18% interest from 01.04.2008, disposed of the writ petition filed by the petitioner herein.

3. Against the said order, the State preferred intra court appeal in W.A. (MD)No.358 of 2020. The Division Bench of this Court partly allowed the said Writ Appeal on 29.07.2020, by modifying the rate of interest from 18% p.a. to 12% p.a. While passing that order, it was also made clear that the petitioner is not entitled for any interest towards encashment of earned and unearned leave. While the petitioner



states that the said order has not been fully complied with and interest at the rate of 12% p.a. not paid to him.

4. The State has come forward with the proceedings dated 21.09.2022, calculating interest at the rate of 12% p.a. and a sum of Rs.4,47,959/- has been credited into the bank account of the petitioner and referring to the proceedings, dated 21.09.2022, the learned Additional Government Pleaders states that the judgment of the Division Bench of this Court has been fully complied with, calculating the interest at the rate of 12 % p.a. for the principal amount of Rs.1,71,280/-.

5. The learned counsel appearing for the petitioner states that the net amount of arrears of pay and other allowances with effect from 12.10.1998 and difference in earned leave and unearned leave sanctioned works out to Rs.5,40,129/-. Whereas, the Government has taken into account only Rs.1,71,280/- for calculating interest at the rate of 12% p.a.

6. When this Court posed a question to the learned counsel for the petitioner how he has arrived Rs.5,40,129/-, as net amount of arrears payable for allowance, he is not able to provide breakup. Contrarily, the learned Additional Government Pleader submits that the said amount includes encashment of earned



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leave and unearned leave, which does not fall within the scope of granting interest at the rate of 12% p.a. as per the Division Bench judgment.

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7. Since it is a dispute regarding the amount of arrears, upon which, 12% interest to be calculated, it is suffice to direct the respondents to respond to the representation given by the petitioner herein, dated 29.09.2022 and to justify fixing the principal amount at Rs.1,71,280/- and calculating 12% interest. The petitioner is also at liberty to provide the breakup for his claim of interest on Rs.5,40,129/-, so as to enable the State to reconcile their account and pass appropriate orders. The State shall pass appropriate orders within a period of eight weeks from the receipt of representation from the petitioner.

8. With this direction, this Contempt Petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SMN2

[G.J., J.] [S.M., J.]
24.01.2023

To

1.Dr.K.Gopal, I.A.S.,
The Principal Secretary to the Government,
Rural Development and Panchayatraj Department,
Secretariat, Fort St. George,
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