



W.P.(MD).No.14152 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 14152 of 2019

C.Kamalabai

... Petitioner

Vs.

1.The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli – 627 012.

2. The Assistant Director,
Local Fund Audit Department,
Palayamkottai,
Tirunelveli – 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Mandamus*, directing the respondents to pay interest on the belated payment of Terminal Benefits which is due to the petitioner from the date of retirement on 30.04.2009 till the date of settlement on 07.02.2018 in the light of the order of this Court in W.P(MD)No.6107 of 2016 dated 13.03.2019.

For Petitioner : M/s.S.Govindan

For R-1 : M/s.Jasima Yasmin, for
M/s.Ajmal Associates

For R-2 : Mr.M.Lingadurai,
Special Government Pleader

ORDER

This writ petition has been filed to pay interest for the
belated payment of retirement benefits.



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2. Heard M/s.S.Govindan, learned counsel appearing for the petitioner and M/s.Jasima Yasmin, for M/s.Ajmal Associates, learned Counsel appearing for the 1st respondent and Mr.M.Lingadurai, learned Special Government Pleader, appearing for the 2nd respondent. Perused the material documents available on record.

3. The petitioner was working as an Assistant in the respondent University and after serving 16 years of service, she retired from service on 30.04.2009. The petitioner was not granted any pensionary benefits and therefore, she has filed a writ petition in W.P. (MD)No.4650 of 2016. This Court after hearing the arguments of both sides, directed the respondents to take 50% of earlier service and add subsequent service and grant benefits. The respondents have granted the said benefits, vide order, dated 13.03.2019.

4. The contention of the petitioner is that the respondents ought to have granted terminal benefits, by taking the 50% service as well and grant within the appropriate time. Since the benefits were granted belatedly, now the petitioner is seeking interest for the belated payment. In support of her contention, the petitioner has relied the case of one

<https://www.mhc.tn.gov.in> Thankam who was also granted belated terminal benefits and the same



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was challenged by the said Thankam in W.P.(MD)No.6107 of 2016 and this Court has also granted 8% interest for the belated payment.

5. On perusal of the facts of the said Thankam, the said Thankam was retired on 31.01.2011 and the Pension Rules came into effect in the year 2010. The amendment states that 50% of the temporary service or consolidated service and other services can be taken into account and add with the regular service and grant retirement benefits. Since the provisions came into effect in the year 2010 and the said Thankam retired in the year 2011, the respondents are bound to take 50% service. Since the said Thankam was retired from service in the year 2011 that is after the amendment, the interest also awarded.

6. However, in the present case, the petitioner was retired from service in the year 2009 and on the date of retirement, there is no provisions for considering 50% of the service. The amendment came into effect only in the year 2010.

7. In such circumstances, awarding interest for the belated payment would amount to punishing the respondents for no fault of them. Therefore, this Court is not inclined to grant interest for the belated payment.



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8. Accordingly, this Writ Petition stands dismissed. No Costs.

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Index : Yes / No
Internet : Yes
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20.03.2023



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To

The Assistant Director,
Local Fund Audit Department,
Palayamkottai, Tirunelveli – 2.



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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 14152 of 2019**

20.03.2023