



W.P.(MD) No.14676 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.14676 of 2019

N.Krishnan

... Petitioner

-VS-

1.The Government of Tamil Nadu
rep. by its Principal Secretary
Environment and Forest Department
Fort St.George, Secretariat
Chennai-600 015

2.The Principal Chief Conservator of Forests
Saidapet
Panagal Maaligai
Chennai-600 015

3.The Chief Conservator of Forests
Tirunelveli Region
Tirunelveli-627 007

4.The District Forest Officer
Kanniyakumar Division
Vadaseri, Nagercoil
Kanniyakumari District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to pay the interest at the rate of 12% for the belated payment of pay arrears, special provident fund, pension arrears, surrender of earned leave, commutation of pension and balance of 4% gratuity payment, house-rent allowance, pongal exgratia bonus and etc., within the time stipulated by this Court.

For Petitioner : Mr.P.Saravanakumar

For Respondents : Ms.S.Jeya Priya

ORDER

This writ petition is filed for a mandamus directing the respondents to pay interest at the rate of 12% per annum for the belated payment of pay arrears, special provident fund, pension arrears, earned leave surrender, commutation of pension, balance of 4% gratuity payment, house rent allowance, pongal *ex gratia* bonus etc.

2. According to the petitioner, he was due for retirement upon superannuation with effect from 31.07.2008. However, on the said date, he was permitted to retire from service, without prejudice to the continuation of



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the disciplinary enquiry, which was pending against him. The respondents continued the disciplinary enquiry and ultimately, on 10.01.2012, by G.O.(D) No.17, the disciplinary proceedings were dropped. Only thereafter, in the year 2012, all the retiral benefits were disbursed. In that view of the matter, there is a delay of almost four years in disbursing all the above benefits to the petitioner. Therefore, the petitioner has come up with this prayer for grant of interest for the belated payment of retirement benefits.

3. Learned counsel for the petitioner would submit that 8% interest was granted only in respect of the gratuity amount and not in respect of the other amounts. It is his further contention that in respect of one of the co-delinquents in the very same matter, by name, C.Sobitharaj, by order dated 07.01.2019 in W.P.(MD) No.24480 of 2018, this Court had directed payment of interest at the rate of 12% per annum for the belated payment of retirement benefits. Therefore, the learned counsel for the petitioner would pray that this writ petition be allowed as prayed for.

4. This writ petition is resisted by the fourth respondent by filing a counter affidavit stating that the Criminal Court in S.C.No.171 of 2005 acquitted the petitioner by holding that the prosecution has miserably failed to



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prove the guilt and therefore, the Government dropped the charges. Under the Rules, there is a provision to pay interest only in respect of the gratuity amount and not in respect of the other benefits. Since the delay was only on account of the pendency of a criminal case against the petitioner, interest cannot be paid. Therefore, the learned Government Advocate would submit that this is not a fit case for grant of interest.

5. Even though the delay was on account of the act of the petitioner for being involved in a criminal case and consequently in a disciplinary proceedings, ultimately when the criminal case ended in acquittal by holding that the prosecution had failed to prove the guilt and on that basis, when the Government has decided to drop the charges and accordingly, an order was passed in the year 2012, then as a natural corollary, the petitioner will be entitled to the interest for the belated payment. Since already interest at the rate of 12% per annum is awarded in the similarly situated case of C.Sobitharaj, this Court is inclined to award the same in the present case also.

6. In the result, this writ petition is allowed and the respondents are directed to pay interest at the rate of 12% per annum for the belated



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payment of pay arrears, special provident fund, pension arrears, surrender of earned leave, commutation of pension and balance of 4% gratuity payment, house rent allowance, pongal *ex gratia* bonus, from 31.07.2008 till the date of disbursal, to the petitioner. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs.

07.07.2023

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

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To:

- 1.The Principal Secretary,
Environment and Forest Department,
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Chennai-600 015.
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