

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.394 of 2023
and
C.M.P.(MD)No.1962 of 2023

Thirumangalam Co-operative Primary
Agricultural and Rural Development Bank,
Rep. by its Special Officer/President,
Jawahar Nagar,
Thirumangalam Post,
Madurai District.

.. Petitioner

Versus

C.Rajendran (Died)
1.R.Muthukumar
2.R.Dharma

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, against the order (decree and judgment) made in C.M.A.(CS)No.4 of 2013, on the file of the Principal District Court/Coop Appellate Tribunal, Madurai, dated 12.09.2018.

For Petitioner : Mr.C.G.Pethanaraj

For Respondents : Mr.R.Ramadurai

ORDER

The petitioner is aggrieved by the impugned order passed by the learned Principal District Judge, Madurai, in C.M.A.(CS)No.4 of 2013.

2. By the impugned order, the learned Principal District Judge, Madurai, has allowed the above appeal filed by the respondents herein, by directing the petitioner to pay the respondents the balance amount of Rs.6,01,201/- together with interest at 12% p.a. on the belated payment of terminal benefits during the period from 26.03.2004 to 27.03.2006.

3. It is the case of the petitioner that the deceased employee, who is represented by the respondents herein, had originally filed W.P.No.7370 of 2004, challenging the order of the Special Officer, which came to be allowed by the learned Single Judge of this Court, vide order dated 05.11.2004.

4. It is submitted that against the said order, there is an further appeal by the petitioner herein in W.A.Nos.937 and 1381 of 2005. The said Writ Appeals were allowed, vide judgment dated 23.04.2008, with liberty to the deceased employee to work out the remedy in accordance with law.

5. It is submitted that no permission was obtained from the Division Bench for payment of interest while getting the above liberty and therefore, the question of payment of interest does not arise.

6. The present Civil Revision Petition is opposed by the respondents stating that the order of the learned Principal District Judge, Madurai, in C.M.A.(CS)No.4 of 2013, dated 12.09.2018, is well reasoned and requires no interference.

7. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondents and also perused the impugned order of the learned Principal District Judge, Madurai, dated 12.09.2018.

8. The relevant portion of the impugned order dated 12.09.2018, reads as under:-

"10. A careful perusal of records would show that out of total retirement benefits of Rs.9,42,190/- a sum of Rs.3,40,989/- was paid on 25/3/2004. Thereafter, a sum of Rs.6,00,000/- was deposited in the Court as per the Order of the Hon'ble High Court in the year 2006 and the same has been withdrawn by the 1st appellant on 27.3.2006. It is admitted that the 1st appellant has retired from the service on 30.11.2003. Therefore, it may take some reasonable time to prepare pension proposals and for sanctioning of the retirement benefits. Admittedly the 1st appellant was paid Rs.3,40,989/- on 25/3/2004. Hence, the appellants are entitled to interest at the rate of 12% p.a. on the rest of the amount i.e., Rs.6,01,201/- (Rs.9,42,190 minus 3,40,989). The respondent has deposited Rs 6,00,000/- even in the year 2006 and the 1st appellant has withdrawn the same on 27.03.2006. Therefore, considering the facts and circumstances of the case this Court holds that the appellants are entitled to interest at the rate of 12% p.a. on the belated payment of Rs.6,01,201/- for the period from 26.3.2004 to 27.03.2006 and

the Order passed by the respondent Deputy Registrar of Co-operative Societies, Thirumangalam Co-operative Primary Agricultural and Rural Development Bank Limited in A.R.C.No.30/2008 dated 21.5.2010 needs to be set aside and this appeal is to be allowed. These points are answered accordingly.

11. In the result, this Civil Miscellaneous Appeal is allowed and the Order passed by the respondent/Deputy Registrar of Co-operative Societies, Thirumangalam Co-operative Primary Agricultural and Rural Development Bank Limited in A.R.C.No.30/2008 dated 21.5.2010 is set aside and the appellants are entitled to interest at the rate of 12% p. a. on the belated payment of Rs.6,01,201/- for the period from 26.3.2004 to 27.03.2006. No costs."

9. In my view, the impugned order does not call for any interference. The learned Principal District Judge, Madurai, has clearly given reasons for awarding interest. The petitioner cannot take advantage of the delay and state that the deceased employee ought to have obtained leave for interest.

10. In view of the above, the present Civil Revision Petition is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2

03.04.2023

To

The Principal District Judge,
Madurai.

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C.SARAVANAN, J.

smn2

Order made in
C.R.P.(MD)No.394 of 2023

03.04.2023