



W.A.(MD) No.1131 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.A.(MD) No.1131 of 2022
and
C.M.P.(MD)Nos.8957 and 8960 of 2023**

K.Kanthavel

... Appellant/Petitioner

-vs-

The Superintending Engineer,

Tamil Nadu Generation and Distribution Corporation Ltd.,

Ramanathapuram,

Ramanathapuram District-623 503.

... Respondent/Respondent

PRAYER: Writ Appeal has been filed under Clause 15 of Letters Patent to set aside the order, dated 06.04.2022 made in W.P.(MD)No.14670 of 2019 on the file of this Court.

For Appellant : Mr.K.Kanthavel
Party-in-Person

For Respondent : Mr.T.S.Gopalan



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JUDGMENT

[Judgment of the Court was made by S.S.SUNDAR, J.]

This Writ Appeal is directed against the order of the learned Single Judge dated 06.04.2022 made in W.P.(MD)No.14670 of 2019.

2. The brief facts which are necessary for the disposal of this writ appeal are as follows:-

2.1. The appellant was working as an Assessor in the respondent Corporation and retired from service on 31.05.2016. It is the case of the appellant that he submitted an application to the respondent on several dates to settle the GPF amount with interest. Stating that the respondent failed to settle the GPF amount along with interest, the appellant approached the respondent for claiming GPF amount along with interest. The representation of the petitioner for retrospective payment of the GPF amount was turned out on the ground that the petitioner had not applied into the format in which, he was required to submit his GPF claim. Therefore, the appellant filed the writ petition to quash the order dated 29.03.2019 by which, the petitioner's representation for grant of GPF was turned out. The prayer also was to issue direction to the respondent to settle the appellant's GPF amount along with interest for the year 2016 to 2019.



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2.2. Pending writ petition, the writ petition filed by the appellant, a direction was issued to the respondent to settle the GPF amount due. In compliance of the direction, it is submitted before this Court that the appellant received the entire amount due by a demand draft on 17.06.2019. However, it is stated that the demand draft was made ready even in March 2019 by the respondent. Even though the amount is settled, the appellant asked interest for the delayed payment of GPF. However, the learned Single Judge turned out the request for payment of the interest as the appellant was in default who has to be blamed for non-submission of the claim in the prescribed format.

3. It is also the case of the respondent that the appellant was serving in establishment and therefore, he knows the formality and the requirement of filing the claim in a prescribed format. The learned counsel appearing for the respondent would rely upon the letter that was addressed to the appellant dated 06.11.2015 by which, the appellant was asked to fill up the GPF amount and to send it. The pension booklet and no due certificate was also sent along with the said letter so as to enable the appellant to make a claim in the prescribed format.



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4. The appellant also made a claim regarding disputing his actual date of retirement on the ground that his actual date of birth is not 1956. Having regard to the facts narrated and the findings of the learned Single Judge, this Court also finds that the appellant has failed to submit the application in the prescribed format. However, the fact remains that the payment which was due in 2016 was disbursed only after about three years. Even though the appellant has to blame for his failure to submit the claim in the prescribed format, disbursement of GPF amount could have been settled earlier without there being a delay of three years. It is admitted that the appellant's claim was considered on the ground that amount was settled even without the prescribed format. Even if the application is not in the prescribed format, this Court finds that it will be in equity and he shall be paid interest or at least a reasonable amount considering the interest that may be payable on Government securities. This Court, taking into consideration the interest that is payable on Government securities and other circumstances, relating in this case, fixes the rate of interest at 6% p.a., which will be appropriate. Having regard to the period of delay, this Court directs the respondent to pay a sum of Rs.60,000/- (Rupees Sixty Thousand only) towards interest for the delayed payment of GPF amount.



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5. With the above direction, this Writ Appeal is allowed. No costs.

Consequently connected miscellaneous petitions are closed.

[S.S.S.R., J.] [D.B.C., J.]

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