



W.P.(MD)No.7578 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7578 of 2018

C.Subramanian

... Petitioner

Vs.

1.The Assistant Director (Municipal Administration),
Local Fund and Accounts,
Kuralagam 4th Floor,
Chennai – 600 108.

2.The Commissioner,
Villupuram Municipality,
Villupuram District.

3.The Commissioner,
Theni Municipality,
Theni District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.4093/2003/C1 dated 19.09.2016 and to quash the same and consequently directing the respondents to pay interest at the rate of 24% per annum for the belated payments towards retirement benefits of the petitioner.



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For Petitioner	: Mr.G.Mathavan
For R-1	: Mr.G.V.Vairam Santhosh, Additional Government Pleader
For R-2	: Mr.VR.Shanmuganathan
For R-3	: M/s.K.Hema Karthikeyan

ORDER

This Writ Petition has been filed to quash the impugned order passed by the second respondent in his proceedings in Na.Ka.No.4093/2003/C1, dated 19.09.2016 and consequently, to direct the respondents to pay interest at the rate of 24% per annum for the belated payment towards retirement benefits of the petitioner.

2. The learned counsel appearing for the petitioner would submit that the petitioner joined the service in the year 1967 and subsequently, he was promoted as Assistant on 14.12.1981. In the year 1994, the petitioner was promoted as Class IV Manager. While being so, on 13.04.1999, the petitioner was placed under suspension in connection with a criminal case in Crime No.1 of 1999 for the offence under Sections 13(1)(d) r/w 13(2) of Prevention of Corruption Act. Challenging the suspension order, the petitioner filed O.A.No.3390 of 1999, before the Tribunal wherein an interim order was passed in favour



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of the petitioner. Pursuant to the said interim order, the petitioner was reinstated into service. Subsequently, the said Original Application was closed. Thereafter, a charge sheet was filed on the file of Chief Judicial Magistrate, Theni in S.C.No.1 of 2006, as if the petitioner received a sum of Rs.100/- from one Ponnusamy as illegal gratification. However, the trial Court acquitted the petitioner vide judgment, dated 02.04.2008 and thereafter, a further charge-memo was issued. The said charge memo was challenged by the petitioner in W.P.No.22400 of 2010. This Court allowed the said writ petition on 18.11.2011. Subsequent to the quashment of the charge memo, the petitioner was permitted to retire on 20.02.2014 and retirement benefits were settled in favour of the petitioner only in the year 2015. As the petitioner is entitled for interest for the belated payment, the petitioner has made a representation on 06.09.2016, to the respondents 1 and 3, requesting to award interest for the belated payment. However, the said representation was rejected vide the impugned order, dated 19.09.2016, which is not sustainable one and accordingly, prays for appropriate orders.



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3. The learned standing counsel appearing for the respondent municipality would submit that admittedly, the charge memo issued against the petitioner was quashed on 18.11.2011. However, prior to that, the petitioner was retained in service and further, the terminal benefits were not settled to the petitioner due to the pendency of the charges. However, subsequent to the quashment of the charge memo, the entire terminal benefits were settled in favour of the petitioner and hence, there is no illegality or infirmity in the order passed by the second respondent and prays for dismissal of the writ petition.

4. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the official respondent and the learned standing counsel appearing for the respondent municipality.

5. Admittedly, the petitioner entered into service in the year 1967. During his service, he involved in a criminal case and thereafter, the said criminal case ended in acquittal. During the pendency of the charge, the petitioner was not allowed to retire from service. Subsequently, the



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charge memo was quashed by this Court in W.P(MD)No.22400 of 2010 vide order, dated 18.11.2011. However, terminal benefits of the petitioner were settled only in the year 2015. Immediately after the quashment of the charge memo, vide order, dated 18.11.2011, the petitioner is entitled for terminal benefits. Therefore, the petitioner is entitled for interest for the belated payment of terminal benefits. Accordingly, the impugned order is liable to be set aside.

6. In the result, the writ petition is allowed and the impugned order of the second respondent, dated 19.09.2016, is hereby set aside. The second respondent is directed to pay interest at the rate of 6% per annum from 18.11.2011 to 04.03.2015, within a period of six weeks from the date of receipt of a copy of this order. No Costs.

16.02.2023

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



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To:

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M.DHANDAPANI, J.

pm

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