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W.P.(MD)No.2010 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.2010 of 2016

S.Kanagavel Manoharan

... Petitioner

vs.

1.Government of Tamil Nadu,
represented through Principal Secretary to
Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai-9.

2.Principal Commissioner of Commercial Taxes,
Department of Commercial Taxes,
Ezhilagam, Chennai-5.

3.The Director,
Commissionerate of Treasuries and Accounts,
Panagal Building, No.1., Jennis Road,
Saidapet, Chennai-600 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records and the proceedings of the 1st respondent in Letter No.



W.P.(MD)No.2010 of 2016

WEB COPY

977/E2/2014-2, dated 04.08.2014 and Letter No.5975/E2/2015-1, dated 20.05.2015, to quash the same in so far as rejecting the petitioner's claim for interest for the delayed payment of terminal benefits other than DCRG and GPF and consequently, to direct the respondents to sanction and pay the petitioner interest at the rate of 12% for the delayed payment of pension arrears to the tune of Rs.3,51,206/- for the period from 30.11.2005 to 10.01.2011.

For Petitioner : Mr.S.Karunakar
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the proceedings of the 1st respondent, dated 04.08.2014 and 20.05.2015 in so far as rejecting the petitioner's claim for interest for the delayed payment of terminal benefits other than DCRG and GPF and consequently, to direct the respondents to sanction and pay the petitioner interest at the rate of 12% for the delayed payment of pension arrears to the tune of Rs.3,51,206/- for the period from



W.P.(MD)No.2010 of 2016

WEB COPY

to the gratuity to the tune of Rs.3,38,234/- for the period from 01.03.2006 to 30.09.2010 and the said amount was paid along with the interest and the interest of Rs.1,43,526/- is paid apart from gratuity of Rs. 3,38,234/-.

3.The learned Special Government Pleader appearing for the respondents submitted that the petitioner was also paid the other benefits along with interest and circulated the written instructions and the said payment is extracted hereunder:

<i>"Bill Date</i>	<i>தொகை</i>
<i>11.02.2008- GPF – Final Settlement</i>	<i>-1,13,865/-</i>
<i>09.06.2008-SPF</i>	<i>-2960/-</i>
<i>11.06.2008-SPF வட்டி</i>	<i>-9575/-</i>
<i>11.06.2008-SPF அரசின் பங்கு</i>	<i>-10000 /-</i>
<i>08.07.2008-240 days EL Final Enhancement</i>	<i>-171032/-</i>
<i>08.07.2008-90 days UEL on PA</i>	<i>-64137/-</i>
<i>22.09.2010-DGRG</i>	<i>-338234/-</i>
<i>22.02.2013-DGRG வட்டி</i>	<i>-143526/- "</i>



W.P.(MD)No.2010 of 2016

WEB COPY

The respondents submitted that the pension arrears were also paid on 10.01.2011. Moreover, where ever the provisions imposed any statutory interest for the belated payment the same is paid and hence the petitioner is not entitled to interest for any other payment.

4.The contention of the petitioner is that even though the statute does not provide any interest, the said issue was already settled by the Hon'ble Supreme Court in the case of *S.K.Dua Vs. State of Haryana* and hence prayed to direct the respondents to pay interest for other payments as well.

5.After hearing the rival submissions, this Court is of the considered opinion that since the petitioner was discharged from the charges on 26.11.2009, the petitioner is entitled to interest from that date onwards. Therefore, the respondents are directed to pay the interest for the belated payment of pension arrears. Therefore, the respondents shall



W.P.(MD)No.2010 of 2016

WEB COPY

pay 7% interest for the belated payment from 26.11.2009 to 10.01.2011.

6. With the above said observation, the writ petition is disposed of.

No costs.

Index : Yes / No

17.04.2023

Internet : Yes

NCC : Yes / No

Tmg

To

- 1.Principal Secretary to Government,
Government of Tamil Nadu,
Commercial Taxes and Registration Department,
Secretariat, Chennai-9.
- 2.Principal Commissioner of Commercial Taxes,
Department of Commercial Taxes,
Ezhilagam, Chennai-5.
- 3.The Director,
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WEB COPY



W.P.(MD)No.2010 of 2016

S.SRIMATHY, J

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W.P.(MD)No.2010 of 2016

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