



W.A.(MD).No.2150 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.2150 of 2023

and

C.M.P.(MD)No.17247 of 2023

The Commissioner,
Madurai Corporation,
Madurai.

.. Appellant

Vs.

1.S.R.Premnath
2.The Deputy Director,
Local Fund Audit,
Corporation Audit Department,
Madurai Corporation, Madurai-2.

3.The Assistant Commissioner (Accounts),
Madurai Corporation Central Office,
Anna Maligai, Thallakulam,
Madurai-625 002.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 06.01.2022 made in W.P.(MD).No.20073 of 2021 on the file of this Court.



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For Appellant : Mr.K.Sivabalan
For R1 : Mr.C.Mahadevan
For R2 : Mr.S.Shanmugavel,
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM,J.**)

The order dated 06.01.2022 passed in W.P.(MD)No.20073 of 2021 is under challenge in the present Writ Appeal.

2.This Writ Appeal has been filed by the Commissioner of Madurai Corporation. Admittedly, the 1st respondent was appointed as Junior Assistant in Madurai Corporation on 10.10.1977 and retired from service on attaining the age of superannuation on 31.01.2011. The terminal benefits were due and payable to the 1st respondent employee from the year 2011 and however, it was settled belatedly in the year 2015.

3.The learned counsel appearing for the appellant would submit that departmental disciplinary proceedings were pending against the 1st respondent and



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therefore, he is not entitled to claim interest for the belated settlement of terminal benefits.

4.The learned counsel appearing for the 1st respondent opposed the said submission by stating that departmental disciplinary proceedings were dropped as charge was not proved, subsequently, the 1st respondent was exonerated from the proceedings.

5.That being so, the 1st respondent is entitled for interest for the belated settlement of terminal benefits and the said relief has been rightly granted by the learned Single Judge in the present Writ Petition. However, the learned Single Judge granted 6% interest, which cannot be termed as exorbitant. Therefore, this Writ Appeal stands dismissed. The appellant is directed to settle the interest as per the order of the learned Single Judge within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

(S.M.S.,J.) & (V.L.N.,J.)

20.12.2023

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



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S.M.SUBRAMANIAM,J.

and

V.LAKSHMINARAYANAN,J.

Yuva

To
The Deputy Director,
Local Fund Audit,
Corporation Audit Department,
Madurai Corporation, Madurai-2.

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