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WP No. 10144 / 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM :

THE HONOURABLE DR. JUSTICE D. NAGARJUN

Writ Petition No. 10144 of 2015

K. Ramasamy

...Petitioner

Versus

1. Animal Welfare Board of India
Rep., by its Chairman
13/1, III Seaward Road, Valmiki Nagar,
Thiruvanmiyur, Chennai – 600 041.

2. The Joint Secretary,
Ministry of Environment and Forests,
Parayavaran Bhawan,
4th Floor, Lodhi Road,
CGO Complex, New Delhi – 110003.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the first respondent to pay interest at 12% on the delayed payment of DCRG benefit of Rs.2,30,571/- for 8 years and cumulative interest at 9% for the promotional arrears of Rs.3,19,785/- from the date of promotion i.e., 09.08.1999.



WP No. 10144 / 2015

WEB COPY For Petitioner : Mr. P. Srinivasan.

For Respondents : Mr. B. Sudhir Kumar for R2.

ORDER

This writ petition has been filed seeking for a writ of mandamus directing the first respondent to pay interest at the rate of 12% on the delayed payment of DCRG benefit of Rs.2,30,571/- for eight years and cumulative interest at 9% for promotional arrears of Rs.3,19,785/- from the date of promotion i.e., on 09.08.1999.

2.It is submitted by the learned counsel for the petitioner that the first respondent is an autonomous body established by the Central Government under Section 4 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) as amended by Central Act 26 of 1982. The petitioner was appointed as Stenographer (Senior) by the first respondent and promoted as Senior Personal Assistant on 15.02.1990. He was promoted as Assistant Secretary on 31.12.2003 but was denied officiating pay. He got the regular appointment as Assistant Secretary from 23.02.2007 and



WP No. 10144 / 2015

he was directed to hold additional charge of the post of Secretary from 01.03.2007 until he was superannuated.

3.At the time of retirement, he furnished the calculation sheet for gratuity encashment of earned leave and half pay leave. He has submitted representation to extend the benefit of Central Civil Service Revise Pay Rules but it was not considered. The amount due to him was not released thereby the petitioner filed W.P. No. 23611 of 2010 for directing the respondents to release the arrears with interest. This Court as per the orders dated 19.08.2014 directed the first respondent to pass orders on the petitioner's representation as per law within twelve weeks. Finally a letter has been issued by the first respondent vide proceedings No. 11/50/2013-14 ESTT dated 20.01.2014 informing that all the retirement benefits of Rs.5,50,356/- has been released. Now the present writ petition is filed seeking for interest on the delayed period.

4.Heard the learned counsel appearing for the second respondent.
No representation on behalf of the first respondent.



WP No. 10144 / 2015

WEB COPY

5. Perused the records. It is a settled legal position that the interest on the delayed payment that of retirement benefits has to be paid to the employee. The petitioner is seeking interest on the delayed payments. Admittedly after retirement, after making many representations and finally after approaching this Court by way of writ petition, the first respondent has released the retirement benefits to the tune of Rs.5,50,356/-. The said amount should have been paid in the normal course immediately after retirement.

6. The petitioner has filed the copy of the letter dated 25.02.2015 issued by the Secretary of the First respondent to show that the amount of Rs.5,50,356/- was released by way of cheque no. 775965 dated 20.02.2015. Though the petitioner was retired on 31.05.2007, these benefits were given only on 20.02.2015. Accordingly, the petitioner is entitled for the interest of delayed period i.e., from the date of retirement on 31.05.2007 to the date of making payment of Rs.5,50,356/- on 20.02.2015.



WP No. 10144 / 2015

7. Accordingly, this writ petition is disposed of directing the respondents to pay the interest at the rate of 12% for the delayed payment of Rs.5,50,356/- from the date of retirement till the date of receipt of the amount paid i.e., from 31.05.2007 to 20.02.2015. No costs.

10.01.2024

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. Animal Welfare Board of India
Rep., by its Chairman
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Thiruvanmiyur, Chennai – 600 041.

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