



WEB COPY



W.A.No.496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.04.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

AND

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.496 of 2024

AND

C.M.P. No.3395 of 2024

1. The Commissioner
Chennai City Municipal Corporation
Ripon Building, Chennai
 2. The Regional Deputy Commissioner (Central)
Chennai City Municipal Corporation
2nd Cross Street, Pulla Avenue
Shenoy Nagar, Chennai 600 030
- .. Appellants
- Vs.

S.Devapalan .. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 21.09.2022 passed in W.P.No.41951 of 2016.

For appellants : Ms.K.Aswini Devi
Standing Counsel

For respondent : Mr.T.Ranganathan

JUDGMENT

(delivered by R. MAHADEVAN, J.)

This writ appeal arises from the order dated 21.09.2022 passed by the learned Judge in W.P.No.41951 of 2016.



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2. The germane facts necessary for the disposal of this case could be

stated thus:

2.1 The respondent retired from Chennai Corporation as Assistant Executive Engineer on attaining the age of superannuation on 30.06.2013. Though he got his pensionary benefits, according to him, he is entitled to get interest for the delay in settlement of the same.

2.2 Hence, seeking interest for belated settlement of pensionary benefits, the respondent had submitted a representation to the appellants which was rejected by the 2nd appellant *vide* order dated 22.06.2016, on the ground that the delay in settlement of pensionary benefits was attributable to audit objections owing to some lapses on the part of the respondent and hence, the respondent is not entitled to get interest for belated settlement of pensionary benefits.

2.3 The said order of the 2nd respondent was put to challenge by the respondent in W.P.No.41951 of 2016.



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2.4 The learned Judge, after hearing either side, by order dated 21.09.2022, holding that even in the event of audit objections being raised, unless disciplinary proceedings is initiated against the respondent for his lapse, he cannot be deprived of interest for belated payment of pensionary benefits on the ground of audit objections, quashed the order of rejection passed by the second appellant and allowed the writ petition with a direction to the authorities to pay interest for belated settlement of pensionary benefits to the respondent.

2.5 The said order of the learned Judge is assailed in this writ appeal by the respondents in the writ petition.

3 On 15.02.2024, this Court granted interim stay for a period of four weeks, which was subsequently extended on 15.03.2024 and 12.04.2024. It is pertinent to point out that on 15.03.2024, while extending the interim order, this Court directed the Registry to post this matter for reporting compliance and accordingly, this matter has been listed today under the caption 'for reporting compliance'.



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4 Today, when the matter was taken up for hearing, it was reported

by the learned Standing Counsel for the appellants that the order passed by the learned Judge has been complied with. To buttress the said submission, the learned Standing Counsel produced a copy of the proceedings dated 25.04.2024 of the 2nd appellant, from a perusal of which, it is clear that the respondent has been paid interest for belated payment of pensionary benefits.

In view of the aforesaid development, this court is of the opinion that nothing survives for further adjudication. Therefore, recording the submission and proceedings so produced on the side of the appellants, this writ appeal stands closed. No costs. Connected Miscellaneous Petition is closed.

J.]

[R.M.D, J.]

[M.S.Q,

26.04.2024

Neutral Citation : Yes/No
gya

To

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