



WP.No.28968 of 2010

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.28968 of 2010

M.Devanathan

...Petitioner

Vs.

1.State of Tamil Nadu

Rep. By its Secretary to Government,
Department of Education,
Fort St. George,
Chennai- 600 009.

2.The Director of School Education,

Nungambakkam,
Chennai-600 006.

3.The Chief Educational Officer,

Vellore District,
Vellore.

4.The District Educational Officer,

Vellore District,
Vellore.

5.The Head Master,

Government Girls High School,



WP.No.28968 of 2010

Guruvarajapet,
Arakkonam, Vellore-District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of Mandamus, praying to direct the respondents to pay interest to the petitioner for the delay in disbursing the retirement benefits from the date of retirement to till the disbursement date at 12% p.a., and to direct the respondents to revise the monthly pension by granting selection grade, special grade and by implementing the sixth pay commission recommendation and to pay interest for arrears of salary from 01.12.1992 to till the disbursement at 12% to the petitioner.

For Petitioner : Mr.R.Sridhar

For Respondents : Mr.R.Neelakandan

Additional Advocate General

Assisted by T.M.Rajangam for R1 to R5

ORDER

The petition has been filed seeking the relief as above:

Insofar as, the claim of the petitioner for payment of interest on the delayed payment of terminal benefits is concerned the same is governed by set of Rules as provided under Tamil Nadu Pension Rules, 1978. Admittedly, there is a delay in settlement of terminal benefits of the petitioner and therefore, the



WP.No.28968 of 2010

claim of the petitioner for payment of interest on such amounts cannot be denied as the petitioner entitled for the same by virtue of Rules under Tamil Nadu Pension Rules, 1978.

2. The claim of the petitioner for grant of selection grade and special grade with effect from the dates claimed by the petitioner is concerned and the same is now admittedly awarded in favour of the petitioner through proceedings No.Na.Ka.No.447/A2/2020 dated 30.08.2023 and pay of the petitioner is also revised and he is also paid the arrears of salary consequent upon the award of selection grade and special grade with retrospective effect by proceedings dated 30.08.2023. The said arrears relates to the period from 01.12.1992 to till the date of retirement of the petitioner on 30.11.2009. The petitioner was erroneously denied the benefit of drawing the salary by proper grant of selection grade and special grade at the relevant point of time. The said arrears were paid only through proceedings dated 30.08.2023. Hence, the petitioner is required to be compensate for such delayed payment and such compensation can be calculated in terms of interest.



WP.No.28968 of 2010

3. In the light of the above, this Court is of the considered view that it would be appropriate to direct the respondent to pay interest at the rate of 6% on the delayed payment of salary arrears consequent upon the award of selection grade and special grade under proceedings dated 30.08.2023. The respondents are directed to calculate the interest payable to the petitioner both on terminal benefit and arrear of salary as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order and pay the same to the petitioner within a said time.

4. Accordingly, the writ petition stands allowed. No cost.

08.08.2024

vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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WP.No.28968 of 2010

MUMMINENI SUDHEER KUMAR,J.

VSn

W.P.No.28968 of 2010

08.08.2024