



Writ Petition No.6276 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.6276 of 2018

S.Rajapandian

..Petitioner

vs.

1.The Secretary,
CBM College, Kovaipudur,
Coimbatore-641 042

2.The Regional Joint Director
of Collegiate Education,
Race Course Road, Coimbatore-641 018

3.The Principal,
CBM College,
Kovaipudur,
Coimbatore-641 042

4.C.M.Ramraj
CBM College,
Kovaipudur,
Coimbatore-641 042

... Respondents



Writ Petition No.6276 of 2018

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of a Mandamus, to direct the respondents to pay interest @ 18% per annum to the petitioner for the delayed disbursal of all terminal benefits.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.P.Nagaraju, for R1
Mr.R.Neethiperumal, GA for R2
No appearance – RR3 & 4

ORDER

This Writ Petition has been filed seeking for issuance of a Mandamus, to direct the respondents to pay interest @ 18% per annum to the petitioner for the delayed disbursal of all terminal benefits.

2.The case of the petitioner is that he joined in the services of the first respondent College as Assistant Professor in the Department of Mathematics. He retired as Associate Professor of Mathematics in the first



respondent College on 30.06.2015. He submitted applications on 07.03.2015 and 25.05.2015 to the first respondent by enclosing with Medical Fitness Certificate, seeking re-employment from 01.07.2015 to 31.05.2016.

3. According to the petitioner, he served as Associate Professor of Mathematics in the 1st respondent College and retired from service on 30.06.2015 on attaining the age of superannuation. The grievance of the petitioner is that despite his repeated representations, the first respondent has not forwarded proposals for retirement/pensionary benefits to the concerned authorities in time. Hence, the petitioner moved a Writ Petition in W.P.No.17055 of 2015 before this Court, seeking a direction to the 1st respondent College to continue him on employment till the end of academic year as per G.O.Ms.No.281, dated 13.02.1981 and to forward proposals for settlement of terminal benefits. Thereafter, pursuant to the directions of this Court in the writ petition in W.P.No.17055 of 2015, the petitioner was permitted to continue on reemployment, but no salary was paid. According to the petitioner, there was a delay in disbursement of his terminal benefits, by which, he suffered huge financial loss. Therefore, the



petitioner is claiming interest for the period of delay that had taken place in payment of his terminal benefits. The details are as under:

<i>Delay Y/M</i>	<i>Terminal Benefits</i>	<i>Due Date</i>	<i>Date of realization</i>	<i>Amount due</i>	<i>Interest at @ 18% p.a.</i>
10M	Re-employment salary	01.07.2015	16.11.2016	11,50,910/-	1,14,466/-
1Y/3M	Gratuity	01.07.2015	05.10.2016	10,00,000/-	2,25,000/-
1Y/7M	Earned leave & unearned leave	01.07.2015	14.02.2017	14,93,974/-	4,33,222/-
6M	Commutation	01.07.2015	19.01.2016	10,70,317/-	1,05,961/-
6M	Pension arrears	01.07.2015 to 18.01.2016	19.01.2016	1,90,410/-	10,068/-
		Total			8,88,717/-

4. Therefore, the petitioner has come forward with the present Writ Petition, seeking a direction to the respondents to pay interest at 18% p.a. for the delay in disbursement of all terminal benefits.

5. A counter affidavit has been filed on behalf of the 2nd respondent, wherein, it is stated that the proposals for the pensionary benefits of the petitioner were forwarded to 2nd respondent's office by the 1st respondent only on 25.07.2015 and the 2nd respondent sanctioned the pensionary benefits vide proceedings dated 04.08.2015 and forwarded the said proposals for the authorization of Accountant General on the same day. The



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pensionary benefits of the petitioner were authorized by the Accountant

General through the Pension Payment Order P24/12412624/4/PPO

No.R.2412624/EDA dated 03/10/2015. On receipt of the authorization,

2nd respondent directed the 1st respondent College Secretary vide letter

Na.Ka.No.3774-C2-2015 dated 28/10/2015 to issue necessary certificates

including the "No Due Certificate", for submitting the same to the

Coimbatore Treasury, so that the petitioner can realize the terminal benefits

without any further delay. It seems that the 1st respondent College Secretary

issued these certificates belatedly only on 06.01.2016 although the

certificates were dated 19.10.2015. It was brought to the notice of the

2nd respondent that due to the delayed issuance of the necessary certificates

by the 1st respondent College Secretary, the petitioner received his first

pension only on 11.01.2016, that is nearly six months after the due date of

realization. It is further stated that the 1st respondent had also delayed the

forwarding of the bills for the release of Gratuity to the 2nd respondent's

office and the petitioner had realized the gratuity only on 05.10.2016 which

amounts to a delay of more than 15 months from the due date of realization,

for which the 2nd respondent is not at fault. The 1st respondent is liable for

the delay and immediately, on receipt of the proposals from the



1st respondent, the 2nd respondent has taken appropriate action and as such, there is no delay on the part of the 2nd respondent. With these averments, the 2nd respondent sought to pass appropriate orders.

6. Heard the learned counsel for the petitioner and the learned counsel appearing for the first respondent and the learned Government Advocate appearing for the second respondent and perused the entire materials placed on record.

7. In the counter affidavit filed by the second respondent it has been categorically stated that due to the delay in issuing necessary certificates by the first respondent, the petitioner received his pension only on 11.01.2016, i.e., nearly 6 months after the due date of realisation and the first respondent had also delayed the forwarding of the bills for the release of gratuity as such there is a delay of more than 15 months in realisation of the gratuity amount. It is also stated in the said counter that the petitioner was running from pillar to post to get his terminal benefits in time and the fourth respondent is solely responsible for the delayed disbursement of the terminal benefits to the petitioner.



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8. In spite of service of notice, there is no representation for the respondents 3 and 4. In the absence of any rebuttal contention from them, this court is accepting the contentions of the learned counsel for the petitioner and the learned Government Advocate appearing for the second respondent with regard to the delay caused in settling the terminal benefits to the petitioner.

9. The learned counsel for the petitioner has placed reliance on the judgment of the Division Bench of this Court in W.A.No.1683 of 2015 dated 05.04.2023 to substantiate his contentions. On perusal of the same, it appears that while considering the grievance of the similarly situated person, the Division Bench has opined that there was a delay in making the payment of retirement benefits and settling the dues and he is entitled to the interest on the delayed payment.

10. The learned counsel also relied on the judgment of the Apex Court in Civil Appeal No.1698 of 2002 in ***Dr.A.Selvaraj vs. C.B.M. College and others***, wherein it is held that the Management/Trustees/College are directed



to pay the interest on the delayed payment of retirement benefits to the appellant therein from the date of retirement till the actual payment was made. In fact in the judgment passed by the Apex Court and in the judgment passed by the Division Bench of this Court as stated supra, these 2 cases are filed against C.B.M. College represented by its Secretary, Coimbatore i.e., the first respondent herein.

11. By following the said orders, this Writ Petition is allowed with the following directions:

- i) The petitioner is directed to make a representation to the second respondent for claiming interest for the belated settlement, within a period of one month, from the date of receipt of a copy of this order;
- ii) On receipt of the same, the second respondent is directed to consider the said representation, and pass orders, within a period of twelve weeks, after providing an opportunity to the other respondents; and
- iii) The Management is directed to pay the interest at the rate of 6% p.a., on the delayed payment of retirement benefits to the petitioner, from the date of retirement till the actual payment was made, subject to the final decision that may be taken by the second respondent.



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No costs.

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Index : Yes/No

Speaking order: Yes/No
dn / pvs

To

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of Collegiate Education,
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