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W.P.No.6181 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	02.01.2024
Pronounced on	01.07.2024

C O R A M

The Hon'ble Dr.Justice D.NAGARJUN

Writ Petition No.6181 of 2015

R.S.Thangavelu ... Petitioner

Vs

1. The Secretary to Government,
Finance Department,
Fort St. George, Chennai-600 009.

2. The Commissioner of Treasuries & Accounts,
Panagal Maaligai,
Saidapet, Chennai-600 015.

3. The District Treasury Officer,
Salem. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus, to direct the respondents to pay interest at the rate of 18% per annum for the belated payment of pension and other retirement benefits with all other consequential monetary benefits within a stipulated period.



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For petitioner

...

Mr.R.Prem Narayanan

For respondents

...

Mr.S.Ravi Kumar
Special Government Pleader.

O R D E R

This Writ Petition is filed for issuance of Writ of Mandamus directing the respondents to pay Death Cum Retirement Gratuity with interest @ 18% per annum for the belated payment of pension and other retirement benefits.

2. The petitioner was working as Assistant Treasury Officer. A Charge Memo was issued to the petitioner on 20.06.2007 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules. He was not allowed to retire from service on attaining the age of superannuation on 30.04.2008 and he was placed under the suspension. Subsequently, he was permitted to retire from service without prejudice to the pending disciplinary proceedings on 12.03.2011. However, petitioner's pension and other retirement benefits were not settled. The respondent paid surrender leave salary, temporary gratuity, special provident fund on 06.05.2011.

3. The petitioner has filed W.P.No.18977 of 2008, before this Court



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challenging the Charge memo and by order 16.08.2011, this Court quashed the charge memo issued to the petitioner. The respondent Government preferred Writ Appeal No.1094 of 2012 challenging the order passed in W.P.No.18977 of 2008 and the same was dismissed. Therefore, the government has issued G.O.(D).No.665 Health & Family Welfare (D2) Department dated 19.07.2012, dropping all further action in respect of the charge memo against the petitioner. Subsequent to dropping of all the charges, the respondent has paid commuted value of pension of Rs.4,47,081/- and gratuity amount of Rs.30,000/- on 13.12.2012 and 12.12.2012 respectively.

4. The petitioner has made several representations on 02.01.2013, 22.04.2014, July 2014 and in November 2014 to pay interest on the belated payment of pension benefits, but no order was passed. The first respondent has addressed a letter dated 09.01.2015, stating that the matter is under consideration, however no orders was passed, therefore, the petitioner has preferred the present Writ Petition.

5. It is stated in the counter affidavit that since 17 (B) charges were pending, he was not immediately paid the retirement benefits however the



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Government has sanctioned Rs.1,11,437/-, towards interest for delayed payment of Death Cum Retirement Gratuity for period 01.08.2008 to 30.11.2012 as per the proceedings vide G.O.(2D).No.82, Finance (T &A-II) Department, dated 09.09.2014. The counter affidavit has given the details of how interest were calculated in respect of of Death Cum Retirement Gratuity.

6. Heard both sides and perused the records.

7. The petitioner retired from service on attaining the age of superannuation on 30.04.2008. The interest on DCRG was paid with effect from 01.08.2008 to 30.11.2012. Therefore, the respondent also should have paid interest on the belated payment of other retirement benefits.

8. Normally, retiral benefits could have been settled in favour of the petitioner immediately after the retirement of the petitioner, however they were deferred on account of the fact that 17(B) charges were pending. The 17 (B) charges were ultimately quashed by this Court and the charge memo was dropped on 19.07.2012. Since 17(B) charges were pending, the respondent cannot be blamed for the delayed payment pension and other retirement



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benefits.

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9. However, the respondent has already paid interest in respect of Death Cum Retirement Gratuity on 04.05.2011, thereby the respondent is also bound to pay interest other retiral benefits on belated payments. Though the petitioner has claimed the interest at the rate of 18% per annum for the belated payment of pension and other retirement benefits, keeping in view of the circumstances of this case, the petitioner is entitled for the interest at the rate of 12% per annum.

10. In view of the discussions made above, this Writ Petition is allowed, directing the respondents to pay the interest at the rate of 12% per annum for the belated payment of pension and other retirement benefits. No costs.

01.07.2024

Index : Yes / No
Speaking/Non-speaking Order
Neutral Citations: Yes/No
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To

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Dr.D.NAGARJUN, J.

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Pre-delivery order made in

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