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W.P.No.14795 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.14795 of 2020

P.Mohan

... Petitioner

Vs.

1.The Commissioner for Municipal Administration,
MRC Nagar, Chennai 600 028.

2.The Commissioner,
Salem Corporation, Salem.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to forthwith pay interest on the belated payment of retirement benefits to the petitioner from the date of his retirement till the date of actual disbursement of the retirement benefits.

For Petitioner : M/s.A.Bharathi

For Respondents : Mr.K.H.Ravikumar, GA for R1
Mrs.N.Devi, Standing Counsel for R2



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ORDER

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This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents herein to forthwith pay interest on the belated payment of retirement benefits to the petitioner from the date of his retirement till the date of actual disbursement of the retirement benefits.

2. Heard M/s.A.Bharathi, learned counsel for the petitioner, Mr.K.H.Ravikumar, learned Government Advocate for the first respondent and Mrs.N.Devi, learned Standing Counsel for the second respondent.

3. The petitioner got retired from service due to superannuation on 30.04.2017. However, the retirement benefits were disbursed to him belatedly. Therefore, the petitioner is before this Court seeking interest for the belated payment.



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4. The learned Standing Counsel for the second respondent submitted a detailed table showing the payments made to the petitioner under different heads as follows:

S.No.	Date	Details of Proceedings & Benefit	Amount Disbursed			Comments
			Gross Rs.	Deductions Rs.	Net Rs.	Cheque issued date
1	9.5.2017	C6/23626/2016 Earned Leave 240 Days	741904	91031	650873	23.07.2018
2	9.5.2017	C6/23626/2016 Leave on Private Affairs 180 Days 50%(90 Days)	278214	57312	220902	03.11.2017
3	24.08.2017	C6/23626/2016 Death-cum- Retirement Gratuity	1000000	-	1000000	09.03.2020
4	24.08.2017	C6/23626/2016 Commutation	645404	-	645404	09.03.2020
5	24.08.2017	C6/23626/2016 Pension Arrears (May 2017 to July 2017)	117492	690	116802	09.03.2020
6	06.02.2018	C6/23626/2016 7 th Pay Commission Basis Pension Revised Diff. Amt.of DCRG	733160	-	733160	09.03.2020
7	06.02.2018	C6/23626/2016 Diff. Amt. of Commutation	1045505	-	1045505	09.03.2020
TOTA			4561679	149033	4412646	



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S.No.	Date	Details of Proceedings & Benefit	Amount Disbursed			Comments
			Gross Rs.	Deductions Rs.	Net Rs.	Cheque issued date
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5. Despite the petitioner retired from service on 30.04.2017, his first payment itself was made only on 03.11.2017 towards leave encashment for leave on private affairs. The petitioner did not have any grievance on this element of payment. The petitioner's grievance is only with regard to other payments made in respect of gratuity, commutation, pension arrears paid in the year 2020.

6. The learned Standing Counsel for the second respondent submitted that the financial constraints in the respondent Corporation is the reason for the belated payment.

7. So far as the petitioner is concerned, he has not attributed the delay. Therefore, the second respondent is directed to pay interest for the belated payment made with regard to the petitioner's retirement benefits.



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8. In the result, this Writ Petition is disposed and the second respondent is directed to pay the statutory interest of 8% for gratuity amount as per the Tamil Nadu Pension Rules and an interest at the rate of 6% for the rest of the payments, within a period of six weeks from the date of receipt of a copy of this order. No costs.

29.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

- 1.The Commissioner for Municipal Administration,
MRC Nagar, Chennai 600 028.
- 2.The Commissioner,
Salem Corporation, Salem.



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R.N.MANJULA, J.

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