



WEB COPY



WP.No.21997 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.01.2024

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.21997 of 2021

M.Rajendran

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Petitioner

/vs/

1. The Director of Elementary Education
College Road, Chennai -6
2. The District Educational Officer,
Nagappatinam District.
3. The Block Educational Officer,
Vedaraniam,
Nagappattinam District.
4. Saraswathi Aided Primary School Rep.
by its Secretary,
Thethakudi South Post,
Vedaraniam Taluk,
Nagappattinam District.

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Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS, directing the respondents to grant interest @ 12% for the delayed period on the disbursement of terminal benefits w.e.f April 2019 to October 2020, within a specified time.



WP.No.21997 of 2021

For Petitioner : Mr.T.Aananthi

For Respondents : Mr.V.P.R.Elamprithi
Additional Government Pleader for RR1 to 3

: Mr.S.N.Ravichandran for R4

ORDER

The petitioner, who got retired on 31.03.2019 has filed this Writ Petition stating that his terminal benefits have not been settled in time and he is entitled to get interest for the delayed period.

2. Heard, Mr.T.Aananthi, learned counsel for the petitioner and Mr.V.P.R.Elamprithi, learned Additional Government Pleader for the respondents 1 to 3 and Mr.S.N.Ravichandran learned counsel for the fourth respondent and perused the materials available on record.

3.Mr. S.N. Ravichandran, the learned counsel for the fourth respondent submitted that the proposal for pension has been duly sent by the 4th respondent to the government on 22.03.2019, just before the retirement of the petitioner and the delay is only on the part of the government.

4. Mr.V.P.R.Elamprithi, learned Additional Government Pleader for the



respondents 1 to 3 submitted that certain instructions have been given to the 4th respondent vide proceedings R.C.No.1537/A1/2019 dated 31.01.2020, 21.01.2020, 12.02.2020 & 20.05.2021 and the 4th respondent has failed to respond to all the communications in time which is the reason for the delay in disbursing the retirement benefits to the petitioner.

5. However, the learned counsel for the 4th respondent further submitted that along with the proposal itself, all the No Objection Certificates have been attached and in such case, no further clarification is needed and there is no delay on the part of the 4th respondent school.

6. So it is oblivious that the delay occurred only at the tables of respondents 1 to 3. In the opinion of this Court, the pension is a valuable right of a government servant and the same cannot be treated as a bounty to be handed out by the respondents at their whims. If such payment is delayed, the petitioner would be entitled to get the element of interest in accordance with the law.

7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Writ Petition is **Allowed** and the respondent 1 to 3 are directed to pay interest at the appropriate



WP.No.21997 of 2021

rate for the delayed period within a period of four weeks from the date of receipt of a copy of this order. No costs.

29.01.2024

Index : Yes

Internet : Yes/No

Speaking: Non-Speaking

Neutral: Yes/No

jrs

To

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R.N.MANJULA, J.

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