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W.P.No.32650 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM:

**THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN**

**W.P.No.32650 of 2024**

P. Duraisamy

...Petitioner

Vs

1. The Secretary to the Government,  
Home Department,  
Fort St.George, Chennai - 9
- 2.The Director General of police,  
Tamil Nadu, Chennai – 4
3. The Deputy Inspector General of Police,  
Coimbatore Range, Coimbatore- 18
4. The Superintendent of Police,  
Erode District, Erode

.....Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to pay the compound interest @ 12% per annum from the date of his retirement i.e 30.09.2012 till the date of payment i.e 18.08.2021 as per G.O.Ms.No.173, Finance ( Pension) Department dated 01.04.2004 of Rs.6,86,235/- ( Rupees Six Lakhs Eighty Six Thousand Two Hundred and Thirty-Five Only) on the delayed payment of Death Cum Retirement Gratuity to the petitioner within the stipulated period and pass orders.



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For Petitioner : Mr. P.H. Dani Jeshwanth

For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader

### **ORDER**

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this writ petition seeking a Writ of Mandamus directing the Respondents to pay the compound interest at the rate of 12% per annum from the date of his retirement i.e 30.09.2012 till the date of payment i.e 18.08.2021 as per G.O.Ms.No.173, Finance ( Pension) Department dated 01.04.2004 of Rs.6,86,235/- ( Rupees Six Lakhs Eighty Six Thousand Two Hundred and Thirty-Five Only) on the delayed payment of Death Cum Retirement Gratuity to the petitioner

3. The case of the petitioner is that he worked as a Inspector of Police in Erode North Police Station and superannuated on 30.09.2012. The grievance of the petitioner is that even though he retired on 30.09.2012, the DCRG amount was settled only on 18.08.2021. It is



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pertinent to state that Rule-45 A of Tamil Nadu Pension Rules, 1978 stipulates that an interest of 8% per annum to be paid on the delayed DCRG beyond two months from the date of retirement and the said rule was amended by the Government of Tamil Nadu Vide G.O.Ms.No.173, Finance ( Pension) Department dated 01.04.2004 and granted compound interest at the rate of 12% per annum on the delayed gratuity paid to the Government Servants. Hence the petitioner made a detailed representation on 12.09.2021 to the respondents to pay the compound interest for the delayed payment. However, no action has been taken by the respondents till date. Hence this petition.

4.The learned counsel for the petitioner submitted that the respondents had paid compound interest to the similarly placed persons but failed to remit the same to the petitioner. However, it would be suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated dated 12.09.2021 and pass orders.

5. The learned Special Government Pleader appearing for the respondents produced a letter in C.No.P1/35925/2021 dated 04.11.2024



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wherein they have stated that as per G.O.No.127, Finance ( Allowances) Department, 19.04.2013 the petitioner is eligible for interest for the belated payment of DCRG from October 2012 to March 2021 with interest at the rate of 8.8% per annum. He further submitted that they will consider the case of the petitioner and make the balance payment at the earliest.

6. Considering the facts of the case, this Court directs the respondents to calculate the interest for the belated payment of DCRG to be paid to the petitioner at the rate of 8.8% p.a, less the amount if any already deposited and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions ,this writ petition is disposed of.

No order as to costs.

**05.11.2024**

Index: Yes/No

Speaking order/Non-speaking order

smn



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**V.BHAVANI SUBBAROYAN,J.**

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