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Cont.P.No.3061 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.06.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cont.P.No.3061 of 2023

K.Sivakumar

... Petitioner

Versus

Dr.J.Prakash,Registrar [incharge],
Anna Univeresity, Sardar Patel Road,
Chennai – 600 025.

...Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Court Act to punish the respondent for willfully and deliberately violating the Order in W.P.No.23589 of 2023 dated 30.08.2023.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.Avinash Wathwani
Standing Counsel for respondent

ORDER

Heard Mr.Balan Haridas, learned counsel for the petitioner and
Mr.Avinash Wathwani, learned Standing counsel for the respondent.

2. This Contempt Petition has been filed for non payment of



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interest as Ordered by this Court, as there is delay in payment of retirement benefits, for the period from 01.01.2023 to 28.08.2023.

Hence, it is the contention of the petitioner that as the delay is due to the respondent, the petitioner is entitled to interest.

3. Whereas, the counter filed by the respondent indicate that the delay has to be attributed only to the petitioner and not to the Department. According to the respondents, the pension proposal has been sent by the Department to the audit as early as on 28.11.2022 and the approval has also been obtained on 21.12.2022. After obtaining approval, the petitioner has given a request for refixation of his pay by his representation dated 29.12.2022. Therefore, the representation of the petitioner has been sent to Audit Department and thereafter, pension proposal has been sent by the respondent. Hence, according to the respondent, the delay cannot be attributed to the Department.

4. The learned counsel appearing for the petitioner would submit that as the amount originally fixed has been finalized, he is



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entitled for interest for delayed payment of retirement benefits.

5. Whereas it is the contention of the respondent that the pension proposal of the petitioner has been sent for audit as early as on 28.11.2022 and as the petitioner has given a representation for refixation of his pay just prior to his retirement, the same has been processed by the Department and there were several internal communication between the Department and the sanctioning authority, therefore, the delay has occurred. Hence, submitted that the Department is not liable to pay any interest.

6. As rightly contended by the respondent, the pension proposal was made on 28.11.2022. The request has been made by the petitioner for refixation, besides he sought to furnish revised option in the post of Assistant Registrar for refixation, lead to further communications between the respondent and the Department and finally pension proposal prepared and sent in the month of November has been accepted and retirement benefits have paid and the request of the petitioner has not



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been accepted. In such view of the matter, as the delay was mainly due to the subsequent request made by the petitioner for refixation of his pay, this Court is of the view that the delay cannot be attributed to the respondent. Hence, there is no willful contempt by the respondent.

7. Accordingly, this Contempt Petition is closed.

20.06.2024

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N.SATHISH KUMAR, J.

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