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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2024

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**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

Writ Appeal No.219 of 2020

P.Balasubramaniam

... Appellant

Vs

- 1.Union of India,
Represented by its Secretary – Food,
Ministry of Consumer Affairs, food and Public Distribution,
Department of Food and Public Distribution,
Krishi Bhawan, New Delhi – 110 001.
- 2.The Director,
Ministry of Consumer Affairs, Food and Public Distribution,
Department of Food and Public Distribution,
Krishi Bhawan, New Delhi – 110 001.
- 3.The Regional Director (Food),
Ministry of Consumer Affairs, Food and Public Distribution,
Department of Food and Public Distribution,
Office of the Regional Director (Food), Southern Region,
No.3, Haddows Road, Chennai – 600 006.
- 4.The Pay and Accounts Officer,
Ministry of Consumer Affairs, Food and Public Distribution,



Department of Food and Public Distribution,
Shashtri Bhavan, Chennai – 600 006.

... Respondents

PRAYER: Writ Appeal has been filed under Clause 15 of Letter Patent against the order dated 01.10.2017 made in W.P.No.35827 of 2015 in so far as the deduction of the interest amount for the period from 10.02.2010 to 31.12.2015 in respect of paragraph 23 (3) of the order on the following.

For Appellant : Mr.K.Venkateswaran
for Mr.K.Manikandan

For RR1 to 3 : Mr.A.R.L.Sundaresan
Additional Solicitor General of India
Assisted by Mr.A.Kumaraguru
SPSC

For R4 : Served – No appearance

JUDGMENT

(Judgement of the Court was made by Mr.K.KUMARESH BABU.,J.)

This Intra-Court Appeal has been preferred against the order of the learned Single Judge only in respect of grant of interest from 01.01.2016

2. Heard Mr.K.Venkateswaran, learned counsel for Mr.K.Manikandan, learned counsel for the appellant and Mr.A.R.L.Sundaresan, learned Additional Solicitor General of India, assisted by Mr.A.Kumaraguru, learned Senior Panel Standing Counsel



appearing on behalf of the respondents 1 to 3.

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3. The undisputed fact is that the appellant was working under the Food Corporation of India and that it is also not disputed that the claim made by the appellant has already been put to rest by the Hon'ble Apex Court in the case of *Union of India and Another Vs P.N.Natarajan and Other* reported in *2010 (12) SCC 405*. It is also not disputed that pursuant to the said judgment, the Government of India had also issued a notification dated 15.10.2010 calling upon the claimers/ representatives in terms of the order of the Hon'ble Apex Court. It is also not disputed that such claimers would be entitled for interest as per the order of the Hon'ble Apex Court.

4. The only dispute is with regard to the date on which the appellant had made his claim. The learned Single Judge while dealing with the Writ Petition, had taken into account the representation made by the appellant and other persons before him, as to have been made in the year 2015 and therefore, the learned Single Judge had held that they would be entitled for interest only from 01.01.2016.



WEB COURT

5. The learned counsel for the appellant had brought to the notice of this Court that the appellant herein had made a claim pursuant to the said notification through his representation dated 09.11.2010 and to substantiate that such a representation had been sent by him, he had also produced an acknowledgment card evidencing such receipt. It is not the case of the Department that the appellant would not be entitled for interest. But, the only objection of the Department is as to from which date he would be entitled for interest. Even though, the claim of the appellant had been rejected based on the representation dated 25.04.2015 and 27.12.2014 vide the orders of the Government dated 04.09.2015 and 15.10.2015 respectively, it is not disputed by the respondents that they were not in receipt of the representation made by the appellant on 09.11.2010, pursuant to the notification issued by it. The acknowledgment card produced by the appellant evidencing the receipt of such representation, had also been produced would show that the appellant had made the representation within the time frame.

6. In the facts and circumstances of this case, we are constrained to



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hold that the appellant had made his representation within four weeks from the date of the notification issued by the Government on 15.10.2010 and therefore, he would be entitled to receive the interest as directed by the Hon'ble Apex Court in the judgment reported in **2010 (12) SCC 405** as stated supra.

7. For the aforesaid reasons, the order of the learned Single Judge directing interest on the differential amount in respect of the appellant alone is modified in terms of the order of the Hon'ble Apex Court reported in the case of **2010 (12) SCC 405**.

8. In fine, this Writ Petition is disposed of on the above terms. However, there shall be no order as to costs.

(R.S.K.,J.) (K.B., J.)
13.02.2024

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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To

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R.SURESH KUMAR., J.
and
K.KUMARESH BABU.,J.

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