



W.P.(MD).No.3224 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3224 of 2024

Vasiappan

... Petitioner

Vs

1. The Additional Secretary To Government (Forest I),
Environment Climate Change and Forest Department,
Fort. St. George, Chennai - 9..
2. The Principal Chief Conservator of Forests,
Guindy Vellachery Main Road,
Guindy, Chennai 600 032.
3. The District Forest Officer,
Tamil Nadu Forest Department,
Srivilliputhur - Magamalai Tiger Reserve,
Race Course Road, Madurai 600 002.
4. The Regional District Forest Officer,
(Varasanadu Soil Conservation Division),
Theni Region, Theni 625 531.
5. The Deputy Director,
Srivilliputhur - Magamalai Tiger Reserve,
Megamalai Division, Theni 525 531.
6. The Wild Life Warden,
Megamalai Wild Life Division,
Theni District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the interest at the rate of 12 % per annum compounded annually on account of delayed release of payment towards service and terminal pensionary benefits to the petitioner towards Gratuity, Commutation, DCRG and arrears of subsistence allowance from the date of retirement till the date of actual payment paid by considering the petitioner representation, dated 13.01.2024 in accordance with law within a time stipulated by this Court.

For Petitioner : Mr. P.Mahendran

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to pay the interest at the rate of 12 % per annum compounded annually on account of delayed release of payment towards service and terminal pensionary benefits to the petitioner towards Gratuity, Commutation, DCRG and arrears of subsistence allowance from the date of retirement till the date of actual payment paid by considering the petitioner representation, dated 13.01.2024 in accordance with law within a time stipulated by this Court.



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2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. Perused the materials on record.

4.(i).The petitioner joined as a Forest Watcher in Tamil Nadu Forest Department on 24.01.1995. The petitioner was visited with a charge memo, dated 21.03.2014 under 17(b) of Tamil Nadu Government Servants (Discipline and Appeal) Rules. However, before issuance of charge memo, the petitioner was placed under suspension vide proceedings of the 6th respondent, dated 04.01.2024. On attaining the age of superannuation, he was allowed to retire from service on 28.02.2017. Due to pendency of enquiry his terminal benefits were not settled.

(ii).An Enquiry Officer was appointed for conducting enquiry pending against the petitioner. After completion of enquiry, on 10.07.2017 the Enquiry Officer submitted the enquiry report to the respondents 3 and 4 stating



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that all the charges levelled against the petitioner were not proved and the petitioner was innocent. The petitioner was under the fond hope that the respondents would settle his retirement benefits during 2017 itself. The 5th respondent vide proceedings, dated 30.01.2023 confirmed that the petitioner has been given a clean chit by holding that the charges levelled against him were not proved. After receipt of said proceedings, the first respondent also issued a G.O.Ms.No.4, dated 05.01.2023.

(iii).After a lapse of five years of retirement, the third respondent disbursed the following amounts to the petitioner.

Sl.No.	Date of Transfer	Amount	Name of the Head
1	24.07.2023	Rs.5,80,944/-	Gratuity
2	11.08.2023	Rs.5,75,744/-	DCRG
3	06.10.2023	Rs.8,892/-	Gratuity and Computation arrears
4	06.10.2023	Rs.8,830/-	Gratuity and Computation arrears
5	14.10.2023	Rs.81,698/-	Subsistence Allowance
6	06.11.2023	Rs.6,26,035/-	Arrears of retirement pension benefits

However, the respondents failed to disburse the interest amount for all belated payments towards his retirement benefits. The petitioner is entitled for 12% interest on the belated payments towards his retirement benefits. In this regard, the petitioner made a representation, dated 13.01.2024 to the respondents



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seeking interest for all the belated payments and the same was not considered.

Hence, this petition came to be filed.

5.In view of the limited prayer sought for by the petitioner, this Court hereby direct the first respondent to consider the representation of the petitioner, dated 13.01.2024 in line with Rule 45(A), 45 (1-A) of Tamil Nadu Pension Rules, 1978 and G.O.Ms.No.122 and 173 Finance (Pension) Department, dated 20.02.1995 and 01.04.2004 respectively and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

6.Accordingly, this writ petition stands allowed. There shall be no order as to costs.

06.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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