



W.P.(MD).No.6083 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.6083 of 2022

M.Natarajan,
Assistant Treasury Officer (Retired)
3/473, Palam Rajakapatty,
Reddiarchatram Via,
Dindigul District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by it's Special Secretary,
Finance (Treasuries and Accounts)
Department,
Secretariat, Chennai – 9.

2. The Special Commissioner and Commissioner,
Treasuries and Accounts,
Chennai – 600 015.

3. The District Treasury Officer,
Office of the District Treasury Officer,
Treasury Salai,
Dindigul – 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



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records relating to the impugned order in proceedings vide Rc.No.6382/N1/2020, dated 07.12.2021 passed by the second respondent and quash the same as illegal and to direct the respondents to pay interest at the rate of 18% per annum for the belated payment of the DCRG amount to the petitioner payable from the date of his retirement i.e., from 03.10.2005 to till the date of actual payment to the petitioner within the period that may be stipulated by this Court.

For Petitioner : M/s.Irfana Fathima
for M/s.Ajmal Associates

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

ORDER

The instant writ petition has been filed by a retired Assistant Treasury Officer seeking to quash the order passed by the second respondent herein, wherein the request of the petitioner for payment of interest for the belated disbursement of DCRG was rejected.

2. The petitioner herein was imposed with a punishment of stoppage of increment for a period of two months without cumulative effect and before the order could be implemented, he attained superannuation on 30.06.2005. By way of proceedings, dated 16.06.2005, the petitioner was allowed to retire



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from service, after withholding a sum of Rs.50,000/- from his DCRG amount.

The said amount of Rs.50,000/- was disbursed only on 28.06.2021, after a delay of 21 months.

Contention of the Counsels:

3. According to the learned counsel appearing for the writ petitioner, the writ petitioner had addressed a representation to the respondents on 12.07.2021, seeking interest for the belated disbursement of DCRG. Since the same was not considered, the petitioner has filed W.P(MD) No.16965 of 2021. This Court, by an order dated 20.09.2021, had directed the authorities to consider the representation on merits and pass orders in accordance with law. Pursuant to the direction of this Court, the present impugned order has been passed on 07.12.2021, rejecting the request of the writ petitioner for payment of interest for the belated disbursement of Rs.50,000/- which was part of DCRG amount.

4. According to the learned counsel appearing for writ petitioner, the respondents authorities have unauthorizedly retained a sum of Rs.50,000/- from his DCRG amount and it was disbursed belatedly after a period of 21 months and hence, they are liable to pay interest at the rate of 18% per



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annum.

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5. Per contra, the learned Special Government Pleader appearing for the respondents brought to the notice of this Court that while W.P(MD) No.16965 of 2021 was pending, the petitioner had received a sum of Rs.50,000/- with an undertaking that he would not claim any interest for the belated disbursement. After receipt of the said Rs.50,000/-, the petitioner has addressed a representation on 12.07.2021, seeking interest for the belated disbursement. However, the undertaking given by the writ petitioner was not brought to the notice of this Court and the order was passed on 20.09.2021. In view of the above said facts, he prayed for sustaining the order passed by the respondent herein.

Discussion:

6. In view of the pendency of charges, the petitioner's DCRG amount was retained by the Department and it was released on 28.06.2021 with a delay of 21 months. At the time of receipt of the said amount, the petitioner had given an undertaking that he would not seek any interest. However, after receipt of the said amount, the petitioner has sent a representation on 12.07.2021 seeking interest. The undertaking given by the petitioner was not brought to the notice of this Court at the time of disposal of W.P(MD) No.



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7. In view of the undertaking given by the writ petitioner that he would not seek interest for the belated disbursement, this Court is of the considered opinion that the second respondent was right in passing the order rejecting the request for interest made by the petitioner and there are no merits in the writ petition.

8. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

22.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Special Secretary,
Finance (Treasuries and Accounts) Department,
Secretariat, Chennai – 9.
2. The Special Commissioner and Commissioner,
Treasuries and Accounts, Chennai – 600 015.
3. The District Treasury Officer,

5/6



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Office of the District Treasury Officer,
Treasury Salai, Dindigul – 2.

R.VIJAYAKUMAR,J.

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