



W.P.(MD) No.17035 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.17035 of 2018

and

W.M.P.(MD) No.15008 of 2018

R.Arunagiri

... Petitioner

-vs-

1.The Director of Public Health
and Preventive Medicine
Chennai-600 006

2.The Deputy Director of Public
Health Services
Sankarankovil
Tirunelveli District

3.The Account General
Account General Office
Annasalai, Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for records relating the impugned order of the second respondent in Na.Ka.No.6604/A1/15 dated 28.02.2018



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and quash the same and consequently directing the respondents to pay the interest at the rate of 12% annum towards belated payment of retirement benefits and pension to the petitioner.

For Petitioner : Mr.A.Sankarasubramanian

For Respondents : Mr.G.Suriya Ananth
Government Advocate for R1 & R2
Mr.P.Gunasekaran for R3

ORDER

This writ petition has been filed challenging the impugned order, dated 28.02.2018, issued by the second respondent, rejecting the petitioner's request for payment of interest on account of the alleged belated payment of pension to the petitioner.

2. The petitioner had retired from service on 31.05.2016. He has been paid pension subsequently. However, according to the petitioner, there was a delay in payment of his pension and therefore, the respondents are liable to pay interest for the belated payment of pension. The petitioner had made a request, which has been rejected by the respondents under the impugned order, on the ground that since there were various deficiencies found in the service register of the petitioner for the provision of pension and



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retirement benefits, the service register of the petitioner was sent for rectification to various Primary Health Centres, where he worked. According to him, all the deficiencies in the service register of the petitioner were rectified and his pension proposals were sent to the third respondent through the second respondent's proceedings dated 22.03.2017. According to the respondents, by the proceedings of the third respondent dated 04.04.2017, the pension proposal of the petitioner was accepted and pension was sanctioned and immediately thereafter, pension payments were made to the petitioner. According to the respondents, there was no deliberate delay on the part of the respondents for not paying the pension to the petitioner on time. Therefore, they contend that they are not liable to pay any interest as claimed by the petitioner.

3. Learned counsel for the petitioner drew the attention of this Court to the following authorities in support of his contention that the respondents are liable to pay interest for the belated payment of pension to the petitioner:

- (i) A decision of the Honourable Supreme Court in the case of ***DR.Uma Agrawal vs. State of U.P.***, reported in ***(1999) 3 SCC 438***.



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(ii) A Division Bench Judgment of this Court in the case
of ***Commissioner, Corporation of Chennai vs.***
E.Manickam, reported in ***(2018) 1 MLJ 228***.

Relying upon the aforesaid decisions, learned counsel for the petitioner would submit that the respondents are liable to pay interest on account of the belated payment of the pension to the petitioner.

4. On the other hand, learned Additional Government Pleader appearing for the respondents 1 and 2 would reiterate the contents of the impugned order as well as the counter affidavit filed by the respondents 1 and 2 before this Court and would submit that only due to the deficiencies in the service register of the petitioner, which had to be rectified, there was a delay in the payment of pension to the petitioner, which is neither willful nor wanton. He would submit that the respondents are not liable to pay any interest to the petitioner.

5. Insofar as the decisions relied upon by the learned counsel for the petitioner, referred to supra, the same are not applicable to the facts of the instant case. In those decisions, it was found that there was a delay on the part of the respondents in accepting the pension proposals and there was no



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fault on the part of the petitioner. However, in the case on hand, the respondents, under the impugned order, have categorically stated that only due to the discrepancies found in the service register of the petitioner, which had to be rectified, there was a delay in the payment of pension to the petitioner. They have also contended that the service register of the petitioner was sent for rectification to various Primary Health Centres, where the petitioner worked and only after the same were rectified, the respondents accepted the pension proposal and started to pay pension to the petitioner and that there is no deliberate delay on their part.

6. The question as to whether the petitioner is entitled for payment of interest for the belated payment of pension or not cannot be decided in a writ petition, when the respondents have stated that there were discrepancies found in the service register of the petitioner, which had resulted in delay in payment of pension as the pension amount could be paid only after the discrepancies are rectified. There is also no contra evidence produced by the petitioner to prove that in his service register, there were no discrepancies as claimed by the respondents in the impugned order. When there are disputed questions of fact involved and that too in a claim seeking payment of interest for the belated payment of pension, question of



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entertaining a writ petition does not arise. If at all the petitioner has any remedy with regard to payment of interest, he has to necessarily approach the Civil Court, since the claim for payment of interest for the belated payment of pension is a disputed question of fact, which can be adjudicated only after letting in oral and documentary evidence.

7. For the foregoing reasons, this writ petition is disposed of by granting liberty to the petitioner, if so advised, to approach the Civil Court for claiming interest with regard to the alleged belated payment of pension amount to him by the respondents. No costs. Consequently, connected miscellaneous petition is closed.

21.10.2024

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

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To:

- 1.The Director of Public Health
and Preventive Medicine,
Chennai-600 006.
- 2.The Deputy Director of Public
Health Services,
Sankarankovil, Tirunelveli District.



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ABDUL QUDDHOSE, J.

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