

WP No. 17705 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on
18.02.2025

Pronounced on
25.04.2025

CORAM

THE HONOURABLE MR JUSTICE RMT. TEEKAA RAMAN

WP No. 17705 of 2015

S.G.Chokalingam
S/o.Ganesan,
No.104, Bharathidasan Street,
Arakkonam Road, Tiruttani 631 209

Petitioner(s)

Vs

1. State of Tamilnadu
Rep. by its Secretary,
Education Department,
Fort St. George, Chennai-9

2.The District Educational Officer,
Tiruvallur, Tiruvallur District

3.The Accountant General,
Accountant General Office,
361, Anna Salai, Teynampet, Chennai-18

4.The Headmaster,
Poonimangadu Higher Secondary School,
Tiruvallur District.

*(R4-Impleaded as per Order dated 18.12.2024 made in
WMP.41201/2024 in WP.17705/2015 by MSKJ)*

Respondent(s)

**PRAYER**

Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to impugned order passed by the Headmaster, Poonimangadu Higher Secondary School, Tiruvallur District dated 10.08.2015 in Na.Ka.No.45/2015 and quash the same and consequently direct the respondents 1 to 3 to sanction interest on the belated payment of terminal benefits as per G.O.Ms.No.122 dated 20.02.1995 Finance (Pension) Department.

(PRAYER AMENDED AS PER ORDER DATED 18.12.2024 IN WMP.41206/2024 IN WP.17705/2015 BY MSKJ)

For Petitioner(s): Mr.A.R.Nixon

For Respondent(s): Mr.G.Velu, (For Rr1, R2 & R4.)
Additional Government Pleader .
Mrs.Hema Muralikrishnan, (For R3)
Standing counsel

ORDER

This Petition has been filed to call for the records relating to the impugned order passed by the Headmaster, Poonimangadu Higher Secondary School, Tiruvallur District dated 10.08.2015 in Na.Ka.No.45/2015 and quash the same and consequently direct the respondents 1 to 3 to sanction interest on



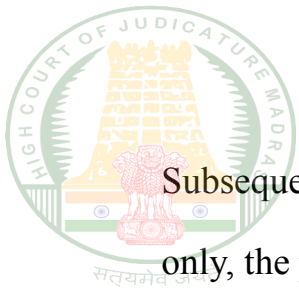
the belated payment of terminal benefits as per G.O.Ms.No.122 dated 20.02.1995 Finance (Pension) Department.

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2.The service matrix and case of the Petitioner are as under:

On 22.10.1973, the petitioner was appointed as Secondary Grade Teacher, after completion of 33 years and 8 months of service, he was retired from service as Secondary Grade Tamil Pandit on 30.06.2007. After his retirement recovery order was passed on 02.05.2008, without any opportunity of hearing him. Against which, W.P.No.30948 of 2008 was preferred by him, on 24.08.2010, the same was allowed and Cont.P.No.185 of 2011 was filed against the respondent for disobedience of order passed in W.P.No.30948 of 2008, in which direction was issued on 20.07.2011. On 14.02.2013, the respondents paid a sum of Rs.7,58,511/- to the petitioner towards terminal benefits. The respondents failed to pay interest on the belated payment from 30.06.2007 to 14.02.2013, as per G.O.Ms.No.122 dated 20.02.1995 Finance (Pension) Department. Hence this Petition.

3.The admitted case of the petitioner is that terminal benefits viz., Rs.7,58,511/- has been paid to him, but it was due from 30.06.2007 to 14.02.2013 and he seeks interest as per G.O.Ms.No.122 dated 20.02.1995 Finance (Pension) Department, as stated supra. In the earlier round of litigation he has filed W.P.No.30948 of 2008 and the same was disposed on 24.08.2010.



Subsequently, Contempt Petition was filed in Cont.P.No.185 of 2011, thereafter only, the pensionary benefits to the tune of Rss.7,58,511/- was paid to him.

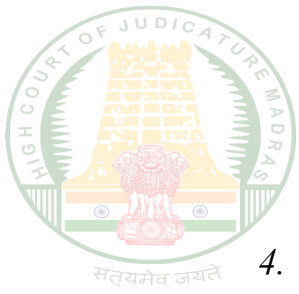
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4.Heard the learned counsel appearing on either sides.

5.Whether the petitioner is entitled for interest for the belated payment of terminal benefits is no longer *res integra*. In the judgment reported in 2019 (1) *MLJ* 1, in the case of *Commissioner for Milk Production and Dairy Development, Madhavaram Milk Colony, Chennai 51 and another Vs. S.Venkatachalam and others*, the Division Bench of this Court has held that the petitioner is entitled for interest for belated payment, following the judgment of the Hon'ble Supreme Court in the case of *S.K.Dua Vs. State of Haryana and another* reported in (2008) 3 *Supreme Court Cases* 44.

6.In the recent judgment of the Division Bench of this Court in W.A.No.610 of 2023 dated 07.02.2024, it was held as under:

“(vi) *The grievance of the respondent was that there was prolonged delay on the part of the appellants in disbursing the terminal benefits and therefore, he is entitled for interest at the rate of 12% per annum. In this context, he submitted a representation dated 15.07.2017 to the appellants requesting payment of interest at the rate of 12% from 31.10.2001 for the delayed payment.*

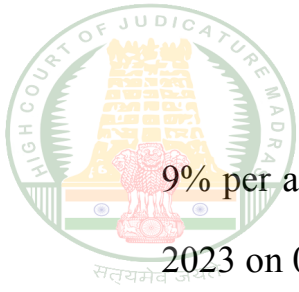


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4. The learned Judge, after hearing both sides, disposed of the aforesaid writ petition in the following terms:

- "(i) the respondents / appellants herein shall pay interest at the rate of 9% per annum on pension payable to the employee for each month on the respective dates on which it falls due for the period from 31.10.2001 to 16.07.2014; and*
- (ii) the respondents / appellants herein shall pay interest at the rate of 9% per annum on commutation of pension for the period from 31.10.2001 to 16.07.2014;*
- (iii) the respondents / appellants shall pay interest at the rate of 9% per annum on special provident fund for the period from 31.10.2001 to 03.07.2013;*
- (iv) the respondents / appellants shall pay interest at the rate of 9% per annum on encashment of earned leave for the period from 31.10.2001 to 12.08.2013;*
- (v) the amount remaining due in terms of clauses (i) and (iv) supra shall be paid by way of demand draft in favour of the petitioner along with a working - sheet showing calculation for the same under written acknowledgement and the report of compliance shall be filed by 30.09.2022 before the Registrar (Judicial) of the Court; and*
- (vi) there shall be no order as to costs"*

and the order passed in W.P.No.31320 of 2017 was confirmed by the Division Bench and hence, this petitioner is also entitled for interest as per G.O.Ms.No.122 dated 20.02.1995 Finance (Pension) Department, at the rate of



9% per annum as stated by the Division Bench of this Court in W.A.No.610 of 2023 on 07.02.2024.

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7. Accordingly, the respondents 1 to 3 are directed to sanction interest on the belated payment of terminal benefits to the petitioner at the rate of 9% per annum as per G.O.Ms.No.122 dated 20.02.1995 Finance (Pension) Department.

8. With the above direction, this Writ Petition is allowed. No costs.

25.04.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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WP No. 17705 of 2015



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1. The Secretary,
Education Department,
Fort St. George, Chennai-9
2. The District Educational Officer,
Tiruvallur, Tiruvallur District
3. The Accountant General,
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4. The Headmaster,
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RMT.TEEKAA RAMAN J.

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**Pre delivery order made
in WP No. 17705 of 2015**

Dated: 25.04.2025