IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.5766 of 2022

T.Sivaprakasam (Deceased)

1.Anbazhagan Sivaprakasam

2.Anitha

3.Amutha

4.Anuradha Sivaprakasam ... Petitioners

Vs.

1.The State Of Tamil Nadu
rep. by Principal Secretary to Government,
Revenue and Disaster Management Department,
Service Wing Ser.2(3) Section,
Secretariat, Fort St. George, Chennai-09.

2.The District Collector
District Collectorate, Vellore District,
Vellore-632 009

3.Commissioner of Revenue and Administration,
Revenue and Administration,
Chepauk, Chennai-05.

...Respondents

[Petitioners 1 to 4 are substituted as LRs of the deceased T, Sivaprakasam as per order dated 17.12.2025 made in WMP.No.54899 of 2025]

PRAYER:- The writ petition is filed under Section 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, Calling for the records of the 1st respondent in proceedings Letter (ID) No.194 and quash its order dated 04.08.2021 and further direct the 1st respondent to pay 18 percentage compound interest on the amounts referred to in the tabulation referred to in annexure in the writ petition.

For Petitioner	: Mr.Haroon Al Rasheed for M/s.T.S.Gopalan and Co.
For Respondents	: Mr.P.Ganesan, Govt. Advocate for R.1 to R.3.

O R D E R

This Writ Petition has been filed for the following reliefs:-

"Calling for the records of the 1st respondent in proceedings Letter (ID) No.194 and quash its order dated 04.08.2021 and further direct the 1st respondent to pay 18 percentage compound interest on the amounts referred to in the tabulation referred to in annexure in the writ petition."

2. The petitioner would submit that he had joined the services of the Government on 25.01.1965 as a Junior Assistant and after rendering 31 years of blemishless service in the Revenue Department, he was promoted as Divisional Excise Officer in the cadre of Tahsildar with effect from January 1995. Unfortunately, the petitioner was suspended from service

vide order dated 22.05.1996 on the basis of a false criminal complaint alleging that the petitioner had sought for a bribe of Rs.3,100/- for renewing the license of an IMFL SHOP "Ramba Wines" from its owner. Thereafter, a criminal case was lodged against him under various Sections of the Prevention of Corruption Act and the petitioner was placed under suspension from 22.05.1996. However, the suspension was subsequently revoked and he was permitted to rejoin duty on 06.05.1997. The petitioner thereafter continued in service and attained the age of superannuation on 31.10.2000. However, since a criminal case lodged against him was pending, he was not permitted to retire and was deemed to have continued in service despite having attained the age of superannuation.

3. Ultimately, the petitioner was acquitted by the Special Judge cum Judicial Magistrate, Vellore by order dated 31.07.2009 in Spl.CC.No.2/1999. Against this order, an appeal was belatedly preferred by DVAC and by order dated 01.03.2010, the petition for condoning the delay was dismissed and consequently, the appeal was also dismissed. As against which no further revision was filed.

4. The petitioner would submit that pursuant to the order passed in Spl.CC.No.2/1999, he had requested the respondent to permit him to retire on superannuation i.e. on 31.01.2000. He had also requested for an

increment, salary arrears and other monetary benefits that had accrued to him by treating him to be in service. This was on account of the fact that he had been acquitted from the criminal charges. The petitioner would submit that despite repeated representations there was no response on the side of the respondents and hence the petitioner had filed WP.No.12516 of 2010 seeking a direction to the 2nd respondent to pass appropriate orders. The petitioner had also requested that he be paid 18% interest on all the amounts due to him. Thereafter, as per the direction of this Court, the petitioner was paid the amounts which have been set out in paragraph no.6 of the affidavit filed in support of this petition.

5. The payments were made belatedly, therefore, the petitioner would submit that he is entitled to compound interest at the rate of 18% per annum for the belated period. In this regard, once again, the petitioner had made several representations which yielded no results and therefore he had filed WP.No.10629 of 2012 seeking payment of interest on the delayed settlement of the retirement benefits from 01.11.2000 till the date of payment. This Court by order dated 18.04.2012 directed the 2nd respondent to forward the proposal to the 3rd respondent within a period of 3 weeks and the 3rd respondent in turn would be directed to forward the same to the 1st respondent and the 1st respondent was required to sanction the eligible amount with interest as per Government Orders within a period of 8 weeks

from the date of receipt of the proposal from the 3rd respondent. Despite these categoric directions the amounts were not paid. Ultimately, the respondent had granted interest of Rs.3,60,437/- only towards the gratuity amount. In respect of other heads, interest was not paid. Therefore, once again, the petitioner had made a representation to the respondents on 18.09.2013 which was not considered constraining him to file WP.No.8113 of 2014 seeking a mandamus to direct the respondent to pay the petitioner interest on various amounts outstanding at compound interest from 01.01.2000 till the date of payment. When the matter (WP.No.8113 of 2014) came up for hearing, the respondent disputed the interest on the remaining payment except gratuity for which they had already paid a sum of Rs.3,06,437 as interest. The Court thereafter permitted the petitioner to give a fresh representation seeking interest on the belated payments of retiral benefits from the respondents. On the basis of this order, the petitioner gave a representation to the respondents pointing out that he had attained the age of superannuation as early as on 31.10.2000 and giving details of the dates on which the payments under 10 heads were paid and the interest that was due towards belated payments. By the impugned order dated 04.08.2021, the respondent had rejected the petitioner’s request. Challenging, the same, the petition is before this Court.

6. The respondents had filed a counter affidavit denying the

petitioner's claim on the ground that there was no prevailing provision for sanctioning of interest at the rate of 18% per annum on the belated payment of terminal benefits as per Rule 45-A of the Tamil Nadu Pension Rules, 1978.

7. Heard the learned counsel on either side and perused the records.

8. The only issue involved in this Writ Petition is whether the petitioner is entitled to interest on the delayed payment of his retiral benefits.

9. The Hon'ble Supreme Court in the judgement reported in ***(2008) 3 SCC 44 – S.K.Dua Vs. State of Haryana and Another*** had an occasion to consider the issue as to whether an employee was entitled to interest on the delayed payment of his retiral benefits. In the said Judgement, the Hon'ble Supreme Court had observed as follows:

" In the circumstances, prima facie, we are of the view that the grievance voiced by the appellant appears to be well- founded that he would be entitled to interest on such benefits. If there are Statutory Rules occupying the field, the appellant could claim payment of interest relying on such Rules. If there are Administrative Instructions, Guidelines or Norms prescribed for the purpose, the appellant may claim benefit of

interest on that basis. But even in absence Statutory Rules, Administrative Instructions or Guidelines, an employee can claim interest under Part III of the Constitution relying on Articles 14, 19 and 21 of the Constitution. The submission of the learned counsel for the appellant, that retiral benefits are not in the nature of "bounty" is, in our opinion, well-founded and needs no authority in support thereof. In that view of the matter, in our considered opinion, the High Court was not right in dismissing the petition in limine even without issuing notice to the respondents."

10. This judgement was followed by a Division Bench of this Court in the case reported in 2***009 (3) MLJ page 1 - Government of Tamil Nadu Vs. M.Deivasigamani*** wherein the Division Bench held that even in the absence of statutory rules/Administrative Instructions or guidelines an employee can claim interest on the belated payment of pension and other retiral benefits.

11. The above-referred judgements were followed by a Single Bench of this Court in WP.No.12716 of 2010 and in the said order the learned Judge had also discussed the rate of interest which the petitioner was entitled to. The relevant portions of the orders passed in WP.No.12716 of 2010 dated 28.07.2011 are extracted herein below as follows:-

"20. Let me now consider the rate of interest for which, the petitioner is entitled to seek for the belated disbursement of the retrial benefits. The petitioner has claimed interest of 18% p.a., for such delay caused on the part of the second respondent herein. It is pertinent to note that even in respect of one of the retirement benefits, viz., 'encashment of leave on private affairs', the petitioner has to approach this Court by filing a writ petition in W.P.No.582 of 2009 and this Court passed an order dated 30.09.2009 directing the very same second respondent herein to grant the relief of interest at the rate of 18% per annum from the date of retirement, i.e., from 28.02.2002 till the date of payment, i.e., on 09.09.2009 and further directed that the said interest shall be paid within twelve weeks from the date of receipt of a copy of that order. It is also brought to the notice of this Court that the said order of this Court was complied with by paying 18% interest for such delayed disbursement in payment. Therefore, it is very clear that the rate of interest fixed by this Court is binding on the second respondent even in respect of interest claimed by the petitioner for other benefits. The said order of this Court passed by the learned Single Judge, as stated above, has also reached finality as the same was not challenged by the second respondent and the same was complied with.

21. In view of the aforesaid reasons, this Court is constrained to set aside the impugned order and accordingly, the impugned order dated

22.09.2006 passed by the second respondent herein in Letter No.PT-1/10265/2001 is hereby set aside. Consequently, the second respondent herein is directed to pay interest at the rate of 18% per annum for the delayed disbursement of retrial to the petitioner. It is made clear that the said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this Order."

12. Therefore, in the light of the above pronouncements, the claim of the petitioner is well-founded and he is entitled to claim interest at the rate of 18% per annum on the delayed payment of his retiral benefits.

13. Accordingly, the Writ Petition is allowed as prayed for. The amounts due to the petitioner shall be disbursed within a period of 3 months from the date of receipt of a copy of this order. No costs.

17.12.2025

(shr)
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No

To

1.The State Of Tamil Nadu
rep. by Principal Secretary to Government,
Revenue and Disaster Management Department,
Service Wing Ser.2(3) Section,
Secretariat, Fort St. George, Chennai-09.

2.The District Collector
District Collectorate, Vellore District,
Vellore-632 009

3.Commissioner of Revenue and Administration,
Revenue and Administration,
Chepauk, Chennai-05.

P.T. ASHA. J.,

(shr)

W.P.No.5766 of 2022

17.12.2025
(2/2)