



WEB COPY

WP No. 25397 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 25397 of 2024

A.Gunasekaran

S/o.Armugam.

Petitioner(s)

Vs.

The Commissioner

Thiruchengode Municipality,

Thiruchengode, Namakkal District.

Respondent(s)

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the notice in Na.Ka. No. 5057/2019/C1 dated 24.04.2024 issued by the Respondent with regard to the payment of interest on the belated terminal benefits to the Petitioner, quash the same and direct the respondents to Pay interest at the rate of 18% on the belated disbursement of terminal benefits from the date of actual due to the date of disbursement pass such further or other orders within short time that may be fixed by this court.

For Petitioner(s): Ms.G.Sridevi

For Respondent(s): Mr. V.Nanmaran AGP

ORDER

The writ petition has been filed in the nature of a certiorarified mandamus seeking records relating to an order passed by the respondent/the Commissioner, Thiruchengode Municipality, at Namakkal, dated 24.04.2024, relating to



payment of interest for the delayed payment of terminal benefits to the petitioner and to quash the same.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner retired as a Revenue Assistant in Thiruchengode Municipality, on attaining the age of superannuation on 30.06.2022. It had been stated that the terminal benefits had not been released and the petitioner had filed W.P.No.23334 of 2006, questioning the order, which had been passed by the respondent claiming recovery of the amount from the petitioner. That order of recovery was set aside by this Court by an order dated 26.07.2006. Thereafter, the petitioner had filed W.P.No.11393 of 2011 seeking a restraint against the respondents from recovering any amount from the petitioner. Recovery proceedings were again set aside by this Court by an order dated 06.09.2022. The petitioner had then attained the age of superannuation on 30.06.2022. There was a delay in payment of the terminal benefits. The petitioner again filed a writ petition in W.P.No.2675 of 2023 and a direction was given that the terminal benefits should be paid within a stipulated period. Since that was not



done, the petitioner had to file a contempt petition. Thereafter, the terminal benefits had been released.

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3.By this writ petition, the writ petitioner seeks interest to be paid on the delayed payment. In the impugned order, it had been contended that the petitioner had not forwarded necessary documents for immediate release of the terminal benefits. But that stand was not taken in the earlier writ petition. It is unfortunate that the writ petitioner had been made to run from pillar to post seeking stay of recovery and thereafter, for payment of terminal benefits and now, for payment of interest on the delayed payment of monetary benefits. Having extracted work from the petitioner during his service, it would only be appropriate that the petitioner is treated with some respect even if he retires. As a matter of fact, the pensionary benefits have to be treated as a property to the petitioner.

4.In view of these reasons, the impugned order is set aside. A direction is given to the third respondent to grant appropriate interest to the petitioner for the delayed payment of the terminal benefits. Such interest should be paid within a period of six weeks from the date of receipt of a copy of this order.



5. The writ petition stands disposed of. No Costs. Consequently,

connected miscellaneous petitions, if any, are also closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The Commissioner

Thiruchengode Municipality,

Thiruchengode, Namakkal District.



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C.V.KARTHIKEYAN J.
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