IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 20.11.2025

Pronounced on : 28.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.30916 of 2019

N.Krishnan ... Petitioner

vs

1. The Principal Secretary to Government,
   Highways Department,
   Secretariat, Chennai – 600 009.

2. The Chief Engineer,
   Tamil Nadu Highways Department,
   Chepauk, Chennai – 600 005. … Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the first respondent in Letter No.11172/HK2/2018-12 dated 10.10.2019 and to quash the same and consequently direct the first respondent to pay interest on all the belated payments of terminal benefits in the light of the orders issued by the Hon'ble Supreme Court in the case of S.K.Dua Vs. State of Haryana (2008 (3) SCC

44), within a reasonable period as may be fixed by this Court and to pa orders.

For Petitioner	:	Mr.T.Ranganathan
For Respondents	:	Mrs.V.Yamunadevi Special Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader for the respondents and perused the records.

2. The case of the petitioner in brief is that, he was working as Chief Engineer, Highways Department; and that in normal course, he would have retired from service on 30.06.2003, on attaining the age of superannuation; that first respondent placed him under suspension *vide* G.O.(D).No.75, Highways (HL.1) Department dated 30.06.2003 *i.e*., on the last day of his service and did not allow him to retire; that the first respondent by placing him under suspension, ordered investigation alleging he is in "possession of wealth disproportionate to known source of income"; that the aforesaid investigation ordered was dropped on 06.12.2006, under GO (D).No.282; and that he was permitted to retire with effect from 30.06.2003 under G.O. (D).No.149 dated 07.06.2007.

3. It is the further case of the petitioner that but for the investigati ordered by the first respondent charging the petitioner of possessing the wealth disproportionate to known source of income on the last day of his service, the petitioner would have retired from service and got all his pensionary benefits, which on account of being placed under suspension, were denied and paid, only after dropping of charges and being allowed to retired under G.O.(D).No.149 dated 07.06.2007 by revoking his suspension; that the retiral benefits in the form of GPF, SPF, Commutation, Encashment of E.L/PA and pension arrears (Pension and Subsistence allowances) were paid to the petitioner only in the year 2007-2008; and that the first respondent having ordered investigation, without any basis and having denied the petitioner of retirement on attaining the age of superannuation and delaying the payment of retiral benefits for a period of 3-4 years, is liable to pay the interest on the sums due to the petitioner, as only on account of the aforesaid action of the respondents, the petitioner has been subjected to undue harassment and misery.

4. The petitioner further contended that since the non-payment of retirement benefits for a period of 3-4 years, is on account of false accusation levelled against him, the respondents are liable to pay interest on the belated payment of retiral benefits.

5. It is the further case of the petitioner that since, the respondents delayed the payment of retiral benefits caused due to the action of the respondent, he had approached the 1st respondent and submitted representation dated 25.05.2018, seeking for sanction of interest and as the said representation did not elicit any response, he had submitted another representation dated 16.07.2018, for sanction of interest as admissible under Rule 45-A of Tamil Nadu Pension Rules.

6. The petitioner further contended that since the representation submitted by him did not evoke any positive response from the respondents by granting interest and on the other hand, the 1st respondent by the impugned proceedings had rejected his claim for interest on the ground there is no specific provision for payment of interest on delayed payment. Thus, the petitioner is constrained to approach this Court by the present Writ Petition, as the action of the respondents in not paying retiral benefits in time and interest thereon, is in violation of Article 21 of the Constitution of India.

7. In support of the aforesaid contentions, reliance is placed on the decision of the Culcutta High Court dated 09.02.2012 in the case of ***Niranjan Kumar Mondal Vs. The State of West Bengal & Ors.***

8. Counter affidavit on behalf of the respondents is filed.

9. The 2nd respondent by the counter affidavit contended that on the investigation ordered into the charge levelled against the petitioner being dropped under G.O.(D).No.282 dated 06.12.2006, the respondents issued G.O.(D).No.149 dated 07.06.2007, revoking the suspension and also allowed the petitioner to retire from his actual date of retirement *viz*., 30.06.2003; that the 2nd respondent thereafter, sent pension proposals to the Accountant General (A & E), Tamil Nadu for Sanction of Pension, DCRG and Commutation; and that Accountant General Office sanctioned retirement benefits to the petitioner under the cover of letter dated 12.10.2007.

10. The respondents by the counter affidavit further contended that insofar as other payments like E.L, encashment is concerned, the same was paid to the petitioner on 11.09.2007 and insofar as GPF is concerned since, the Accountant General is sole sanctioning Authority for the final payment of GPF, the said Authority has sanctioned the same on 04.01.2018 and credited the amount to the petitioner account on 15.02.2008.

11. By the counter affidavit, it is further contended that the vario retiral payments to which the petitioner is entitled to have been sanctioned and paid to him during the year 2007-2008, after dropping of the charge against him, pursuant to G.O. dated 06.12.2006 and another G.O. dated 07.06.2007.

12. On behalf of the respondents, it is further contended that inasmuch as the pensionary rules do not provide for payment of interest, the representation submitted by the petitioner claiming interest was rejected.

13. I have taken note of the respective contentions as urged.

14. Though the respondents by the counter affidavit claimed that as the Rule 45-A of Tamil Nadu Pension Rules, does not provide for payment of interest, the claim of the petitioner cannot be considered, the said contention urged by the respondents cannot be accepted, on the face of it. It is settled position of law that if the payment of retiral benefits to which an employee is entitled is delayed, the employee is entitled to claim interest. ***[See: S.K.Dua v. State of Haryana [(2008) 3 SCC 44]***

15. However, in the facts of the present case, the petitioner bei placed under suspension on the charge of possessing wealth disproportionate to his known source of income and the said charge having been dropped in December, 2006, the respondents had revoked the suspension and allowed the petitioner to retire on the date of attaining the age of superannuation i.e., 30.06.2003. After allowing the petitioner to retire from service, the respondent also made the payment of retiral benefits on different dates during the period of 2007-2008. Thus, it cannot be said that the petitioner was deprived of the enjoyment of his retiral benefits.

16. It is also for the reason that the respondents, on placing the petitioner under suspension and not allowing him to retire on the date of superannuation i.e., on 30.06.2003 had paid subsistence allowance in terms of Rule 54 of the Fundamental Rules of Tamil Nadu Government. Thus, the claim of the petitioner of he being deprived of the enjoyment of retiral benefits, cannot be accepted as valid claim since, the petitioner was treated as being in service.

17. Further, it is also to be noted that on the respondent dropping the investigation into the charge levelled against the petitioner and remitting the retiral benefits payable to the petitioner during the period 2007-2008, the

petitioner accepted the said payment without any demur or protest. Not or the petitioner received the aforesaid payment without any protest, but also did not raise any claim for payment of interest, as being claimed now under the two representations 25.05.2018 and 16.07.2018.

18. On being queried by this Court as to why the petitioner waited for a decade to raise a claim for interest on the delayed payment of retiral benefits, though the counsel for the petitioner initially stated of petitioner having approached the respondents/Authorities and submitted representations, however, expressed his inability to place any material to substantiate the aforesaid submission and only claimed that the petitioner had lost the relevant papers during the floods that had occurred in the year 2015. The aforesaid submission appears to be an afterthought.

19. It is to be noted that prior to 2015 itself, 7 years had passed by and the petitioner did not initiate any action, in response to non-payment of interest by the respondents, if had claimed the same at the relevant point of time. It is only after a decade, by submitting representations on 25.05.2018 and 16.07.2018 and on the respondent issuing the impugned proceedings, rejecting the claim for payment of interest on the ground of non-existence of Rule, the petitioner approached this Court with the present Writ Petition.

20. It is a trite law that in the event of infringement of right, action should be initiated within a reasonable time. If the petitioner was to file a suit, limitation would be three years from the date of last payment. Since, the petitioner received the retiral benefits during the year 2007-2008, he ought to have initiated action within a period of three years and could not have allowed the time to pass-by and approach the respondent/Authority only on 25.05.2018 and 16.07.2018 claiming interest on the payments, which he had received a decade back.

21. Further, as it is not shown to this Court the petitioner having approached the respondent/Authority claiming interest at an earlier point of time. Thus, it is to be presumed that the petitioner for the first time had lodged his claim only on 25.05.2018 and 16.07.2018 and not before which, in normal course of time is barred by limitation.

22. Insofar as reliance placed by the petitioner on the decision of the Calcutta High Court is concerned, firstly, it is to be noted that the said decision is only of persuasive value. Further, in the Apex Court, in the case of ***Union of India & Ors. Vs. Tarsem Singh*** reported in ***(2008) 8 SCC 648***, as referred to in the case relied on behalf of the petitioner, held that in case

of recovery of arrears for a past period, the principles relating recurring/successive wrong will apply and the High Court will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of writ petition.

23. However, in the facts of the present case, the petitioner seeking interest on retiral benefits, which are paid and received by the petitioner during the year 2007-08 and thus, the non-payment of interest, cannot be considered as constituting as continuing wrong, for which, the petitioner ought to have initiated appropriate action, within a reasonable time, which as noted herein above, would be three years, if the petitioner was to file a Civil Suit for recovery.

24. As detailed herein above, since, the petitioner did not raise any claim for interest on receiving retiral benefits during the year 2007-2008 within a reasonable time, the claim of the petitioner is not only visited with delay and laches, but is also hit by provision of Limitation Act.

25. Thus, this Court is of the view that the present petition as filed is devoid of merit.

Accordingly, the writ petition is dismissed. No order as to costs.

28.11.2025

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
dh

To
1. The Principal Secretary to Government,
   Highways Department,
   Secretariat, Chennai – 600 009.

2. The Chief Engineer,
   Tamil Nadu Highways Department,
   Chepauk, Chennai – 600 005.

T. VINOD KUMAR,

dh

Pre-delivery order made in
W.P.No.30916 of 2019

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