



W.P.No.33796 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.33796 of 2024

P.Kumaresan

... Petitioner

-Versus-

1.The Government of Tamil Nadu,
rep. by the Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai – 600 009.

2.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai, Chennai – 600 005. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in Letter No.3110/WS-2/2023-4 dated 04.07.2024 and quash the same insofar as it restricts payment of interest to the belated payment of DCRG only and direct the respondents to sanction interest for the belated payment of encashment of leave salary for the period from 01.12.2009 to 01.09.2022 and for the belated payment of Pension arrears for the period from 01.12.2009 to 07.09.2022 at the rates applicable as per rules.

For Petitioner : *Mr.P.Manoj Kumar*

For Respondent 1 : *Mr.C.Selvaraj,*
Additional Government Pleader



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For Petitioner : Mr.P.Manoj Kumar

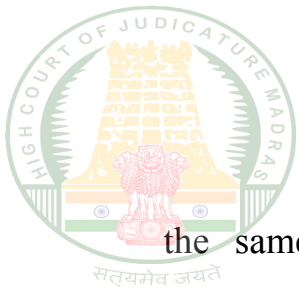
For Respondent 2 : Ms.S.Mekhala, Standing Counsel

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ORDER

The writ petition has been filed in the nature of a certiorarified mandamus seeking to set aside the order dated 04.07.2024 so far as it restricts payment of interest for the delayed payment of DCRG and to grant interest also for the belated payment of encashment of leave salary for the period from 01.12.2009 to 01.09.2022 and for pension arrears for the period from 01.12.2009 till 07.09.2022 in accordance with the interest paid as applicable.

2. In the affidavit filed in support of this writ petition, it had been stated that the petitioner was working as an Engineering Director (Technical) in the Tamil Nadu Water Supply and Drainage Board. He was due to retire on attaining the age of superannuation on 30.11.2009. But however he was not permitted to retire, since a criminal case had been registered against him for the offences punishable under Section 7, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 by the Director of Vigilance and Anti Corruption, Chennai. Finally by judgment dated 31.05.2016 by the Special Court for cases under Prevention of Corruption Act, Chennai, the petitioner was acquitted of all charges. The prosecution filed criminal appeal in CrI.A.No.16 of 2017 and



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the same was dismissed by this Court by judgment dated 12.02.2018.

Thereafter, the departmental proceedings were initiated and by order dated 15.03.2022 of the second respondent, the charges were dropped. It had been stated that finally the petitioner was permitted to retire.

3. It has been contended that the respondents had paid the encashment of leave salary from 01.12.2009 to 01.09.2022 and the pension arrears from 01.12.2009 to 07.09.2022 belatedly. Therefore, the petitioner seeks interest. The petitioner also seeks interest for the delayed payment of DCRG.

4. The learned counsel for the second respondent forwarded the instructions, wherein it had been stated that following the judgment reported in **(1999) 3 SCC 438, Dr.Uma Agarwal v. State of Uttar Pradesh** and the judgment of the Hon'ble Supreme Court reported in **(2008) 3 SCC 44, S.K.Dua v. State of Haryana and another**, the petitioner is entitled for interest in accordance with the guidelines which have been prescribed under the rules/administrative instructions.

5. A direction is given that the petitioner is entitled for such interest as is prescribed under the rules and guidelines, and the interest amount to be paid within a period of three months from the date of receipt of a copy of this order. The petitioner is also entitled for the interest on the DCRG in accordance with



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the interest rate as determined in the Act.

WEB COPY 6. The writ petition stands allowed. No costs.

03.03.2025

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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

C.V.KARTHIKEYAN, J.

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To

- 1.The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai, Chennai – 600 005.

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