

W.A.(MD) No.155 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR. JUSTICE A.D.MARIA CLETE

W.A.(MD) No.155 of 2025

R.Arunagiri

... Appellant

Vs.

1.The Director of Public Health and
Preventive Medicine,
Chennai – 600 006.

2.The Deputy Director of Public Health Services,
Sankarankovil,
Tirunelveli District.

3.The Accountant General,
Accountant General Office,
Annasalai, Chennai.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act, praying to allow this Writ Appeal and set aside the order passed in W.P.(MD).No. 17035 of 2018 dated 21.10.2024.

For Appellant : Mr.A.Sankararamasubramanian

For Respondents : Mr.S.R.A. Ramachandran,
Additional Public Prosecutor

JUDGMENT



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(Order of the Court was made by *M.S.RAMESH, J.*)

Though the appellant herein had retired from service on 31.05.2016, his retirement benefits were disbursed only on 30.01.2018. The reason assigned by the respondents for the belated disbursement of the retirement benefits is that there were some rectifications to be made in the Service Register of the appellant herein. When the appellant had filed a Writ Petition in W.P.(MD).No.17035 of 2018, seeking for interest on the belated payment of the retirement benefits, the learned Single Judge, through an order dated 21.10.2024, had disposed of the Writ Petition by granting liberty to the appellant herein, to approach the Civil Court for claiming interest. This order of the Writ Court is assailed in the present Writ Appeal.

2. The withholding of the retirement benefits of the appellant, was not due to any pendency of disciplinary proceedings, punishment or any other reason attributable to the appellant herein. On the other hand, the respondents' claim that certain rectifications were required to be made in the Service Register of the appellant which had caused an administrative



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delay. When the appellant's entitlement to receive the retirement benefits, as well as the quantum of such benefits are not in dispute, it cannot be said that the crucial facts involved in the case with regard to the appellant's entitlement are 'disputed facts'.

3. Under the Payment of Gratuity Act, when a Government employee reaches the age of superannuation, he is entitled to receive the retirement benefits forthwith or within the reasonable time from the date of his retirement. The Act also mandates that in all cases of belated payment of gratuity amount, the retired Government employee would be entitled for interest @ 10% p.a. If that be so, we fail to understand as to how these set of facts involved in the Writ Petition could be claimed to be disputed facts, as held by the Writ Court in its order dated 21.10.2024.

4. The entitlement of similarly placed retired Government employees, to receive interest on belated payment, have been considered in several decisions of the Hon'ble Supreme Court, as well as this Court and held it in favour of the retired employee.



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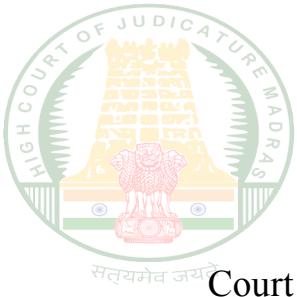
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5. The learned counsel for the appellant had placed reliance on the decision of the Hon'ble Supreme Court of India in the case of ***'Dr.Uma Agrawal Vs. State of U.P.'*** reported in ***'(1999) 3 SCC 438'*** and an order of the Co-ordinate Bench of this Court in the case of ***'Commissioner, Corporation of Chennai Vs. E.Manickam'*** reported in ***'(2018) 1 MLJ 228'***. However, the learned Single Judge had not dealt with these decisions for rejecting the appellant's request for payment of interest.

6. We find that the Writ Court had not properly appreciated the appellant's entitlement in this case and therefore, we are of the view that the respondents herein could be directed to pay interest on belated payment of the retirement benefits to the appellant herein.

7. At this juncture, the learned Additional Government Pleader appearing for the respondents made unanimous request that the rate of interest could be fixed at a lower rate, instead of what has been stipulated under the Payment of Gratuity Act.

8. In consideration of such a request, award of 6% interest, in our view, could be reasonable. Accordingly, the order passed by the Writ



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Court dated 21.10.2024 passed in W.P.(MD).No.17035 of 2018 is set aside. Consequently, there shall be a direction to the respondents herein, to forthwith pay interest on belated payment of the retirement benefits to the appellant herein, @ 6% p.a. from the date of his superannuation till the date of actual disbursement. Such disbursal shall be made atleast within a period of four (4) weeks from the date of receipt of a copy of this order.

9. With the above directions, this Writ Appeal stands allowed. No costs.

[M.S.R., J] [A.D.M.C., J]
28.01.2025

Index:Yes
Neutral Citation:Yes
Speaking order

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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

Sni

To

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