



WA(MD)No.2714 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.01.2025

CORAM :

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

**WA(MD)No.2714 of 2024
and
CMP(MD)No.18735 of 2024**

1. The Headmaster,
Government (Boys) Higher Secondary School,
Y.Othakkadai-625 107,
Madurai District.

2. The Accounts Officer (Audit),
School Education Department,
Madurai-625 002.

3. The Chief Educational Officer,
Madurai-625 002.

... Appellants

vs.

1. G.Natarajan

2. The Principal Accountant General (A&E),
Tamil Nadu,
Chennai-600 018.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 20.10.2023 made in W.P(MD)No.12188 of 2018.



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WA(MD)No.2714 of 2024

For Appellants : Mr.S.Shaji Bino, Special Government Pleader
For R1 : Mr.P.Thiagarajan

JUDGMENT

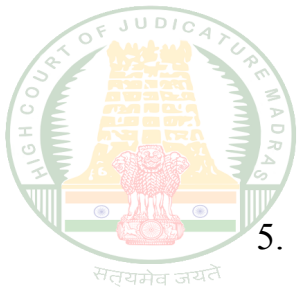
(Judgment of the Court was made by **M.S.RAMESH, J.**)

By consent of both the counsels, the writ appeal itself is taken up for final disposal.

2. The present Writ Appeal is directed against the order passed by the Writ Court dated 20.10.2023 made in W.P(MD)No.12188 of 2018.

3. For the belated payment of the retirement benefits including gratuity, the learned Single Judge through his order dated 20.10.2023, passed in W.P(MD)No.12188 of 2018, had awarded interest @ 12% per annum from 30.06.2010, which is the date of the 1st respondent's superannuation till the date of actual payment.

4. Challenge made to the said order is predominantly on the ground that the interest on belated payment of retiral benefits including gratuity requires to be calculated @ 8.75% per annum only as per the rate of interest payable on the General Provident Fund during the year of retirement of the Government Servant.



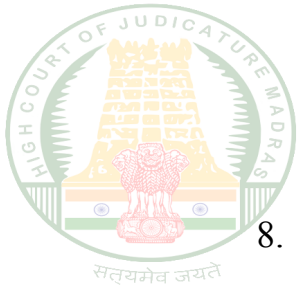
WA(MD)No.2714 of 2024

5. The 1st respondent herein had retired from service on 30.06.2010 and as per the interest rate under the Employees' Provident Funds Scheme, 1952, for the year 2013-14, the rate of interest required to be calculated was 8.75%. This aspect has not been considered by the Writ Court, while awarding interest on the belated payment of retiral benefits. In view of the statutory prescription of the interest rate, we are inclined to interfere with the rate of interest awarded by the Writ Court.

6. Accordingly, the order dated 20.10.2023 made in W.P(MD)No. 12188 of 2018, insofar as it imposes interest @ 12% per annum from 30.06.2010, is modified as follows:

"The appellants herein shall pay interest @ 8.75% on the belated payment of retiral benefits to the 1st respondent herein, from 30.06.2010 till the date of actual payment, within a period of four weeks from the date of receipt of a copy of this judgment."

7. Except the above modification, all other observations and findings in the final order dated 20.10.2023 made in W.P(MD)No.12188 of 2018 shall remain intact.



WA(MD)No.2714 of 2024

8. The Writ Appeal stands ordered accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

(M.S.R, J.) (A.D.M.C, J.)
07.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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WA(MD)No.2714 of 2024

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

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JUDGMENT MADE IN
WA(MD)No.2714 of 2024
DATED : 07.01.2025