



W.P.(MD)No.9710 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.9710 of 2025

V.Srinivasan

... Petitioner

Vs.

1. The Chief Educational officer,
Office of the Chief Educational Officer,
Tirunelveli District.

2. The District Educational Officer (Secondary),
Office of the District Educational Officer,
Tirunelveli District.

3. The Secretary,
Theerthapathy Higher Secondary School,
Ambasamudram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay interest to the petitioner for the belated payment of his PF Closure amount for the period of 07.09.2023 to 30.09.2024 at the rate of 12% per annum, within a specified time as may be fixed by this Court.



WEB COPY



W.P.(MD)No.9710 of 2025

For Petitioner : Mr.G.Sailendrababu
For Respondent Nos.1 & 2 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard, the learned Counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the Respondent Nos.1 and 2 and carefully perused the materials available on record.

2. The petitioner worked as Headmaster in the third respondent school and retired from service on attaining age of superannuation on 30.06.2023. His pension proposal was sent to the second respondent on 07.09.2023 along with the proposal for his Provident Fund closure. Whereas no action was taken, the petitioner submitted representation to the third respondent on 25.09.2023 for disbursement of Provident Fund Closure amount. Whereas, no action was taken by the authorities. Therefore, the petitioner made representations on 12.12.2023 and 12.03.2024. In spite of several representations made by the petitioner, no action was taken to disburse his Provident Fund Closure Amount, left with no other option, he submitted representation to the District Collectors Grievance Redressal petition on 20.06.2024. After the great struggles with the official respondents, on 30.09.2024 the Provident Fund closure amount was credited to



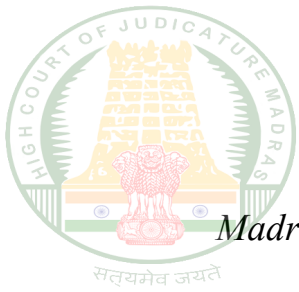
W.P.(MD)No.9710 of 2025

the petitioner's account. For the belated payment of Provident Fund closure amount paid on 30.09.2024, which is due from 07.09.2023, the respondents are bound to pay interest for the said delay on their part. Claiming the same, the petitioner submitted a representation to the respondents on 07.11.2024, but there was no action till today.

3. Aggrieved by the in action of the respondents, the present writ petition has been filed. The learned Counsel for the petitioner submits that the issue involved in this writ petition has been considered by this Court on several occasions and he placed a copy of the order dated 19.06.2023 in W.P.No.2069 of 2020 of this Court.

4. On perusal of the same, it appears that by following the orders passed by this Court and Apex Court, the said writ petition was disposed with the direction that the petitioner should be paid interest at the rate of 8% per annum on retirement benefits. The relevant portion of the said order is extracted as follows:

"12. While considering an identical issue in (1) Government of Tamil Nadu represented by its Secretary to Government, Revenue Department vs. M.Deivasigamani stated supra, the Division Bench of



W.P.(MD)No.9710 of 2025

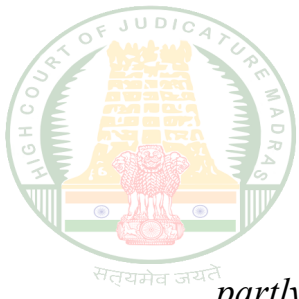
Madras High Court held at Paragraph 7 as extracted herein under:

WEB COPY

"7. In view of the judgment of the Supreme Court, it is now well settled that an employee is entitled to interest on belated payment of pension and other retiral benefits, even in the absence of statutory rules/administrative instructions or guidelines and he can make his claim for interest, under Part III of the Constitution, relying on Articles 14, 19 and 21 of the Constitution."

(2) in S.Ramadosh vs. State of Tamil Nadu represented by its Secretary to Government, Agricultural Department stated supra, the High Court of Madras held at Paragraphs 14 and 15 as extracted herein under:

"14. It is seen in the order of the second respondent dated 20.7.2005, in which the petitioner was exonerated from the charges that the petitioner submitted his explanation for the charges only on 12.11.2002 and therefore, there was a delay of 3 years on the part of the petitioner to submit his explanation for the charges which, in my considered view, has to be taken into consideration for the purpose of deciding the liability on the part of the respondents to pay interest for the belated payment. On the facts and circumstances of the case, I am of the considered view that the petitioner should be paid interest by the respondents for the belated payment of terminal benefits from January, 2003 till the date of payment, as stated above.



W.P.(MD)No.9710 of 2025

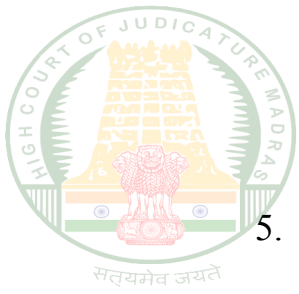
15. *In such view of the matter, the writ petition stands allowed partly with direction to the respondents to pay interest at the rate of 12% p.a. for the belated*

disbursement of terminal benefits of Rs.5,50,820/- from 1.1.2003 till 31.10.2007, which shall be paid within a period of eight weeks from the date of receipt of copy of the order, along with costs of Rs.5000/- to be paid by the respondents to the petitioner."

(3) in Union of India and others vs. C.Girija & Others reported in 2019

(2) Supreme 513 as stated supra, the Hon'ble Apex Court held at Paragraph 23 as extracted herein under:

"23. We are thus of the view that applicant was entitled for retiral benefits immediately after the date of retirement. We direct Respondent Nos.1 to 4 in Writ Petition (C)No.653 of 2015 to determine and pay the retirement benefits to the applicant, if not already paid, within a period of 02 months from today. We further direct that applicant should be paid interest @ 8% p.a. on retirement benefits after one month of retirement i.e. w.e.f. 01.07.2015, till the payment is made of the retiral benefits. In result, the Civil Appeal No. 1577 of 2019 and Civil Appeal No. 1578 of 2019 are allowed and the Writ Petition (C) No. 653 of 2015 is disposed of with the aforesaid directions."



W.P.(MD)No.9710 of 2025

5. Considering the facts and circumstances of the case, though the petitioner is entitled for the Provident Fund Closure amount for the period of 07.09.2023 to 30.09.2024 and as such he is entitled for the interest for the delay made by the respondents.

6. For the reasons stated above this writ petition is disposed with a direction to the second respondent to pay and calculate interest at the rate of 8% per annum for the belated payment of Provident Fund Closure amount with effect from 07.09.2023 to till the actual payment to be made to the petitioner. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

07.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



W.P.(MD)No.9710 of 2025

WEB COPY

To:

1. The Chief Educational officer,
Office of the Chief Educational Officer,
Tirunelveli District.
2. The District Educational Officer (Secondary),
Office of the District Educational Officer,
Tirunelveli District.
3. The Secretary,
Theerthapathy Higher Secondary School,
Ambasamudram,
Tirunelveli District.



WEB COPY



W.P.(MD)No.9710 of 2025

BATTU DEVANAND, J.

gvn

W.P.(MD)No.9710 of 2025

07.04.2025