



W.P.(MD)No.12048 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.12048 of 2021

and

W.M.P.(MD)No.9493 of 2021

P.Sundharamal

: Petitioner

Vs.

1.The Administrative Officer,
O/o. Government Rehabilitation Homes,
Vinnappalli,
Sathyamangalam,
Erode District.

2.The Assistant Special Officer,
Government Rehabilitation Homes,
O/o. Commissioner for the Differently abled persons,
Chennai – 78.

3.The Principal Accountant General,
(Tamil Nadu),
No.361, Anna Salai,
Thenampet,
Chennai – 600 018.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, issue a of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order and case on the file of the first respondent in Na.Ka.No.650/MaE1/2006 dated 14.05.2019 and quash the same as illegal and consequently directing the respondents to pay interest on the belated payment of DCRG, commuted value of pension, pension amount on retirement at the rate of 18% per annum from the date on which the amounts became due till date of disbursement with further interest on the interest amount due till the date of disbursement to the petitioner within a stipulated period.

For Petitioner : Mr.S.R.Santhanam
For Respondents 1 & 2 : Mr.SS.Madhavan,
Additional Government Pleader
For Respondent No.3 : Mr.P.Gunasekaran,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned order dated 14.05.2019 passed by the first respondent, rejecting the petitioner's request for payment of interest for the delayed payment of the retirement benefits to the petitioner's husband, who was an employee in the Government Rehabilitation Homes as Special Grade Warden.



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2.Earlier the petitioner's husband had approached this Court by filing a Writ Petition seeking for Mandamus to the respondents to consider his request for payment of interest on account of the delayed payment of his retirement benefits. This Court had also directed the first respondent to consider the petitioner's representation and pass final orders on merits and in accordance with law. Pursuant to the said directions, the impugned order has been passed by the first respondent dated 14.05.2019, rejecting the petitioner's request for payment of interest for the alleged delayed payment of the retirement benefits to the petitioner's husband. Since the petitioner's husband died, the petitioner has filed this Writ Petition challenging the impugned order passed by the first respondent by raising various grounds.

3.According to the petitioner, ever since the retirement of the petitioner's husband, the petitioner's husband has been contacting the respondents seeking for payment of his retirement benefits. According to the petitioner only on 11.04.2017, the retirement benefits was paid to the petitioner's husband, even though, the petitioner's husband retired from service on 31.01.2007. Therefore, due to the alleged delay in payment of the retirement benefits, the petitioner's husband had earlier given a representation



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seeking for payment of interest for the delayed payment of his retirement benefits which has been rejected under the impugned order. The petitioner claims that for no fault of the petitioner's husband, the respondents have delayed the payment of the retirement benefits.

4.A separate counter affidavit has been filed by the first respondent and third respondent. As seen from both the counters, the respondents have contended that only due to the delay on the part of the petitioner's husband in submitting the application seeking for the payment of retirement benefits as well as the supporting documents, there was delay in the payment of the retirement benefits to the petitioner's husband. According to them, they were not responsible for the cause of the delay.

5.Since the petitioner categorically contends that there was a delay on the part of the respondents in not paying the retirement benefits to the petitioner's husband and the petitioner also claims that the petitioner's husband is not responsible for the cause of delay and since the respondents through their counter filed before this Court state that it is only the petitioner's husband who is responsible for the cause of the delay in payment of the retirement benefits to the petitioner's husband, this Court is of the considered view that



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since there are disputed questions of facts involved, which cannot be adjudicated by this Court exercising powers under Article 226 of the Constitution of India, necessarily the petitioner will have to be directed to approach the Civil Court for redressing her grievance.

6.Accordingly, this Writ Petition is disposed of, by granting liberty to the petitioner to approach the Civil Court to redress the petitioner's grievances namely non-payment of interest by the respondents on account of the delay in payment of retirement benefits to the petitioner's husband. The Civil Court shall decide the suit uninfluenced by any of the observations made by the first respondent in the impugned order dated 14.05.2019 made against the petitioner's husband. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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ABDUL QUDDHOSE., J.

MR

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