



WP(MD). No.24968 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.24968 of 2025

and

WMP(MD)No.19583 of 2025

Thannammal P

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Public Works Department,
Secretariat,
Chennai 600 009.

2. The Engineer - in - Chief (WRO) and Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai 600 005.

3. The Executive Engineer / Deputy Director,
Water Resources Department,
Hydraulics Division,
Institute of Hydraulics and Hydrology,
Poondi 602 023.

... Respondents

PRAYER :-

Writ Petition, filed under Article 226 of the Constitution of India,
praying this court to issue a Writ of Certiorarified Mandamus calling for



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the records of the impugned order passed by the 3rd Respondent herein in his proceedings in Ka.No.E2/241/2025 dated 24.04.2025 communicated by the 2nd Respondent in his letter dated 03.06.2025 and quash the same as illegal and further direct the Respondents to pay the interest at the rate of 12 percent per annum, for the period of delay from the date of retirement of the Petitioners husband (30.04.2000) to till the date of reimbursement (05.12.2024) of amount paid towards terminal and pension benefits of the petitioners husband namely Salary Arrears, EPF Employees's Contribution, Special Provident Fund, Death cum Retirement Gratuity (DCRG), Encashment of Earned / Sick Leaves, Lifetime Arrears (LTA) and other monetary benefits etc., within a time frame as may be fixed by this Court, without effecting my right to claim balance amounts towards those benefits.

For Petitioner : Mr. R. Murugan,
Advocate.

For Respondent : Mr.F.Deepak,
Special Government Pleader

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the third Respondent herein in his proceedings in Ka.No.E2/241/2025 dated 24.04.2025 communicated by the second Respondent in his letter dated



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03.06.2025 and quash the same as illegal and further direct the Respondents to pay the interest at the rate of 12 percent per annum, for the period of delay from the date of retirement of the Petitioners husband (30.04.2000) to till the date of reimbursement (05.12.2024) of amount paid towards terminal and pension benefits of the petitioners husband namely Salary Arrears, EPF Employees's Contribution, Special Provident Fund, Death cum Retirement Gratuity (DCRG), Encashment of Earned / Sick Leaves, Lifetime Arrears (LTA) and other monetary benefits etc., within a time frame as may be fixed by this Court, without effecting my right to claim balance amounts towards those benefits.

2. Learned counsel for the petitioner would submit that the petitioner's husband who had been employed as an Assistant Engineer in the second respondent Department, had attained the age of superannuation on 30.04.2000 but however in view of the criminal proceedings against her husband, he was not allowed to report from service by the Department. After trial in the Special case No.1 of 2004, the Special Judge cum Chief Judicial Magistrate, Nagercoil, acquitted her husband on 24.09.2019, against which the State had preferred an appeal



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in Criminal Appeal in CrI.A(MD)No.264 of 2020. Pending the appeal, her husband died and hence the charges against the husband was abated but however, the appeal filed by the Government as against the other accused was dismissed upholding the acquittal of all the accused which would mean that the petitioner's husband had also not committed any criminal act. He would submit that therefore, the petitioner's husband was entitled for all retirement and terminal benefits including the pension. Thereafter, the period of suspension was treated as duty by the Government on 10.10.2023 and that terminal benefit were disbursed on 05.12.2024. He would submit that the petitioner had made a claim for grant of interest on belated payment as the reason for delay is not the husband of the petitioner but a wrongful charge of criminal offence against the petitioner's husband, wherein he was also acquitted by the trial Court. But however, the said request had been rejected by stating that there has been no delay in payment of interest. He would also submit that the petitioner's husband was not issued with any departmental proceedings also.



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3. Countering his argument, Mr.F.Deepak, learned Special Government Pleader would contend that the petitioner's husband had been involved in a heinous offence of corruption which was pending trial even during his service. He would submit that the Government had filed an appeal against the order of acquittal and the same was dismissed on 02.03.2023 and thereafter steps were taken for disbursal of the amount and the amounts have also been disbursed immediately. Therefore, there is no delay on the part of the Government to disburse the terminal benefits.

4. Rule 45(A)(i)(a) of the Tamil Nadu Pension Rules, envisages that interest is payable where DCRG is withheld on account of disciplinary proceedings against him, then three months from the date of retirement where the Government servant is exonerated of all charges and where the Death cum Retirement Gratuity is paid on conclusion of the disciplinary proceedings. The same would mean that the interest should be paid for the period of after three months of the age of superannuation till the payment of the DCRG benefits after the conclusion of the disciplinary proceedings exonerated the employee.



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5. I have considered the submissions made by the learned counsel on either side.

6. It would be noted that the petitioner's husband even though was suspended from service, had not been departmentally proceeded by issuing a charge memo. After the order of acquittal was upheld by this Court in the Criminal Appeal, the petitioner had been disbursed with all retirement benefits including the family pension payable to her. Rule 45A(i)(a) of the Tamil Nadu Pension Rules would envisage that if the DCRG is paid on conclusion of the disciplinary proceedings, where the Government Servant is exonerated then he would be entitled for interest from three months from the date of his retirement. As noted above, in the present case, the petitioner's husband had not been even departmentally proceeded.

7. Applying the said principles to the present facts of the case, it would be seen that the terminal benefits of the petitioner's husband was withheld for the reason that there was a criminal proceedings against him which ended in favour by way of an acquittal in the year 2019 and the



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appeal filed by the Government against the order of acquittal also stood abated in the year 2022. Therefore, the petitioner's husband is entitled for interest interest from three months after the date of his reaching the superannuation till the amounts were paid.

8. Hence this Court is of the view that the respondents are liable to pay interest at the rates specified under Rule 45-A(i)(a) of the Tamil Nadu Pension Rules for the delayed terminal benefits paid to the petitioner.

9. In fine, the writ petition is also allowed with a direction to the respondents to disburse the interest as prescribed under Rule 45A(i)(a) of the Tamil Nadu Pension Rules as indicated above. No costs. Consequently, connected miscellaneous petition stands closed.

06.11.2025

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

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To

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2. The Engineer - in - Chief (WRO) and Chief Engineer (General),
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K.KUMARESH BABU, J

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ORDER
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