



W.P.(MD) No.23358 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD) No.23358 of 2024

A.Sundararajan

.. Petitioner

Vs.

1.The Principal Secretary to Government,
Hindu Religious and Charitable
Endowments Department, Fort St. George,
Chennai.

2.The Secretary, Tamil Nadu Public,
Service Commission, Fort St.George,
Secretariat, Chennai – 600 009.

3.The Commissioner,
Hindu Religious and Charitable,
Endowments Department,
Nungambakkam, Chennai – 600 034.

4.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Salem.

5.The Assistant Commissioner,
Hindu Religious and Charitable,
Endowments Department, Dharmapuri -1

.. Respondents



W.P.(MD) No.23358 of 2024

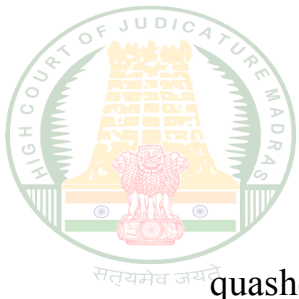
Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing Respondents 1 to 5 to pay interest @ 18 % per annum compound for the belated period of settlement of all terminal and other monetary benefits for which the petitioner is entitled but not paid so far, in a time bound manner.

For Petitioner : Mr.K.Alagarsamy
For RR 1, 3 to 5 : Mr.P.Subbaraj
Special Government Advocate
For R2 : Mr.J.Anand Kumar
Standing Counsel

ORDER

The case of the petitioner is that the petitioner worked as Executive Officer Grade-IV in the Hindu Religious and Charitable, Endowments Department and retired from service on 31.07.2016, on attaining the age of superannuation. At the time of his retirement, there was no pending disciplinary action against him. Accordingly, he is entitled for all retirement benefits but the respondents did not settle the same for around one (1) year.

2. The petitioner was issued with a charge-memo dated 19.06.2017 by the third respondent and the same was challenged before this Court in W.P(MD).No.14657 of 2017. This Court *vide* order dated 06.09.2021



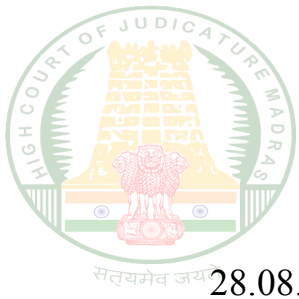
W.P.(MD) No.23358 of 2024

WEB COPY

quashed the charge-memo directing the respondents to process the retirement benefits and all other monetary benefits, for which the petitioner is entitled for at the rate of 4% interest per annum, within a period of twelve (12) weeks from the date of receipt of copy of that order.

3. Thereafter, due to willful non-compliance and non-implementation of this Court order, the petitioner filed contempt, before this Court. It appears that after filing the contempt case, the writ petitioner has filed W.A.(MD).No.329 of 2022, before this Court and the Division Bench of this Court dismissed the said writ appeal *vide* judgment dated 15.11.2022.

4. On 22.11.2022, recording the undertaking given by the respondents to settle the dues within a period of one (1) month, it was adjourned for compliance. Thereafter, the respondents approached the Hon'ble Apex Court by filing SLP, which was also dismissed on 15.12.2022. Subsequently, the respondents paid the GPF amount on 12.01.2017, pension arrears on 15.06.2023, computation amount on 07.08.2023, special provident fund on 26.07.2023, selection grade increment amount on 29.11.2018 and special grade increment amount on



W.P.(MD) No.23358 of 2024

28.08.2019.

WEB COPY

5. In fact, this Court while closing the contempt case on 28.07.2024, granted liberty to the petitioner to challenge the discrepancies as to the petitioner's emoluments of terminal benefits. Accordingly, the petitioner filed the present writ petition seeking a writ of Mandamus to direct the respondents to pay interest at the rate of 8% per annum, computing for the belated settlement of terminal benefits and other monetary benefits.

6. On behalf of the respondents, the counter-affidavit has been filed by the fifth respondent. Basing on the averments made in the said counter-affidavit, the learned counsel would submit that the delay in payment of the monetary benefits to the petitioner are neither willful nor wanton but only due to the pendency of the legal proceedings before this Court and the Hon'ble Apex Court and delay for submission of proposal by the petitioner.

7. In the reply to the counter-affidavit filed by the respondents, the petitioner has stated that the fifth respondent has chosen to divert the attention with averments made in his counter-affidavit stating that the delay has occurred not because of their inaction but because the



W.P.(MD) No.23358 of 2024

petitioner is incorrect, false and mislead the Court.

WEB COPY

8. In the reply affidavit, the petitioner has clearly stated about the nature of benefits for which he is entitled, due date, for payment, date of actual payment and the delay in making such payment as extracted below:-

S.No.	Nature of Benefit	Due date for payment	Actual date of payment	Delay
1.	General Provident Fund	31.07.2016	12.01.2017	6 months
2.	Pension Arrears	31.08.2016	15.06.2023	6 yrs 10 months
3.	Commutation	31.07.2016	16.02.2023	6 years 7 months
4.	Spl Provident Fund (SPF)	31.07.2016	26.07.2023	7 years
5.	Selection Grade	16.09.2001	29.11.2018 (wef. 07.08.2002)	17 years 2 months
6.	Special Grade	16.09.2011		8 years

9. Further it is stated in the counter-affidavit of the fifth respondent about the date of payments of General Provident Fund, Pension Arrears, Commutation, Spl Provident Fund (SPF 500), Selection Grade and Special Grade but no reasons are stated for the delay caused in settling the monetary benefits, for which the petitioner is entitled. Instead of submitting the acceptable reasons in the counter-affidavit, the respondents made several un-necessary and irrelevant averments against the petitioner.



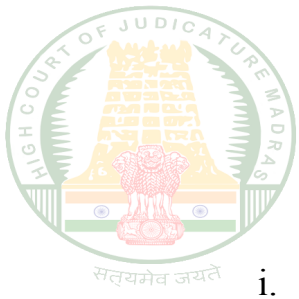
W.P.(MD) No.23358 of 2024

WEB COPY

10. On careful consideration of the materials available on record, it is clear that though this Court *vide* order dated 06.09.2021 in W.P. (MD).No.14657 of 2017, directed the respondents to process the retention benefits and all other monetary benefits to the petitioner who is entitled for 4% per annum within a period of twelve (12) weeks, while quashing the charge-memo dated 19.06.2017 issued against the petitioner, the respondents without settling the eligible monetary and pensionary benefits to the petitioner, they prolonged the issue till now by unnecessary litigations before this Court and before the Hon'ble Apex Court.

11. It is proved by dismissal of the writ appeal and the SLP. In the light of the these facts and in the considered opinion of this Court, the respondents are responsible for the delay in settling the pensionary and monetary benefits to the petitioner and as such, they are liable to pay the interest to the petitioner for belated payments.

12. For the reasons stated above, this writ petition is allowed with the following directions:-



W.P.(MD) No.23358 of 2024

WEB COPY

- i. The Respondent Nos.1,3,4 & 5 are directed to pay interest at the rate of 8% per annum by calculating the said benefits from the due date of payment of the said benefits till the actual date of payment.
- ii. Making calculation and payment of the interest now ordered by this Court has to be made within a period of four (4) weeks from the date of receipt of copy of the order. No costs.

18.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

nst

To

- 1.The Principal Secretary to Government,
Hindu Religious and Charitable
Endowments Department, Fort St. George,
Chennai.
- 2.The Secretary, Tamil Nadu Public,
Service Commission, Fort St.George,
Secretariat, Chennai – 600 009.
- 3.The Commissioner,
Hindu Religious and Charitable,
Endowments Department,
Nungambakkam, Chennai – 600 034.
- 4.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Salem.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable,
Endowments Department, Dharmapuri -1



WEB COPY



W.P.(MD) No.23358 of 2024

BATTU DEVANAND, J.

nst

W.P.(MD) No.23358 of 2024

Dated: 18.02.2025