



WEB COPY

W.P.No.34742 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 18.06 .2026

Pronounced on: 25.06. 2026

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

W.P.No.34742 of 2012

R.Pasupathy

... Petitioner

Vs.

1.Engineer-in-Chief, W.R.O.,
Chief Engineer (General)
Public Works Department,
Chennai-600 005.

2.The Executive Engineer,
Nanganjiyar Basin Division,
Palani.

3.The Assistant Executive Engineer,
W.R.O.Public Works Department,
Palani.

4.The Principal Accountant- General (A & E)
Tamil Nadu, Chennai - 18

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to disburse to the petitioner interest as per rules for the delayed disbursement of a portion of DCRG of Rs.88,785/- for the period from May 2000 to November 2010, within a time frame.



WEB COPY

W.P.No.34742 of 20



For Petitioner : M/s.S.Madhu Balaji
For Respondents : Mrs.Y.Kavitha
Government Advocate

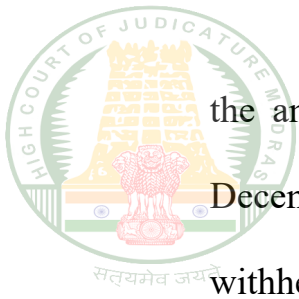
ORDER

Heard the learned counsel for the petitioner and learned Government Advocate for the respondents and perused the materials available on record.

2. Briefly put the case of the petitioner is that the respondents had withheld an amount of Rs.88,785/- from the amount payable to him as Death-cum-Retirement Gratuity on his retirement from service in May, 2000 claiming that the said amount represents excess salary claimed by the petitioner; that aggrieved by the aforesaid deduction, the petitioner had approached this Court by filing the writ petition vide W.P.No.49452 of 2006 seeking for refund of the aforesaid amount along with the interest; and that this Court by order dated 09.07.2009 had set aside the related recovery of Rs.88,785/- by the respondents and directed the respondents to refund the same.

3. It is the further case of the petitioner that on this Court passing the order in the aforementioned writ petition, directing the respondents to refund

2/11



the amount of Rs.88,785/-, the respondents only refunded the amount

December, 2010 and did not pay interest on the amount which has been withheld by the respondents illegally from his Death-cum-Retirement Gratuity (DCRG) during the period of May 2000 to November 2010 and as such, the respondents are liable to pay the interest to the petitioner on such illegal withholding.

4. The petitioner had placed reliance on the following decision of this Court:

(i) ***S.M.Khasim vs. The Principal Secretary to Government and another*** in W.P.No.32476 of 2018 dated 28.02.2022

(ii) ***J.Jayanthi vs. The Secretary and others*** in W.P.No.28268 of 2019 dated 06.12.2024

5. The counter affidavit on behalf of the respondents is filed.

6. The respondent, by the counter affidavit, contended that the petitioner had sought for refund of amount of Rs.88,785/- which was withheld from the disbursement of DCRG amount at the time of his retirement from service; that this Court while disposing of the writ petition



filed by the petitioner did not award any interest though sought for by t

petitioner; and that the respondent having complied with the order by

refunding the amount withheld from DCRG in December, 2010, the

respondents are not liable to pay any interest to the petitioner for the period

from May 2000 to November 2010 as claimed by him, more particularly,

when the Court did not grant any interest.

7. Contending as above, the respondent seek for dismissal of the writ petition.

8. I have taken note of the respective contentions urged.

9. Though the petitioner had claimed that the withholding of an amount of Rs.88,785/- from portion of DCRG is illegal, the said withholding was subject matter of consideration before this Court in writ petition vide W.P.No.49452 of 2006. This Court while considering the challenge to the withholding of the aforesaid amount by the respondents from DCRG and the relief sought for by the petitioner in the said writ petition to direct the respondents to refund the aforesaid amount withheld along with the interest, however, by order dated 09.07.2009 while setting aside the proceedings



dated Nil signed on 15.01.2000, proceedings dated02.2000 signed

24.02.2000 and proceedings dated 09.03.2000 of the 4th, 2nd and 3rd

respondent respectively did not grant any relief in relation to payment of interest by the respondents on the portion of the DCRG amount withheld though sought for by the petitioner in the petition.

10. The said order of the Co-ordinate Bench of this Court had attained finality and it not shown to this Court, that the petitioner, approaching this Court seeking clarification or modification of the above order seeking payment of interest on the said amount withheld by the respondents.

11. The petitioner having accepted the order, whereby, this Court had set aside the proceedings by which the respondent had adjusted the amount of Rs.88,785/- from the portion of DCRG payable to the petitioner, the petitioner would become entitled for refund of the amount adjusted in May, 2000. Further, though the petitioner had sought for interest thereon, since, the Co-ordinate Bench did not grant interest on such amount, it is not open for the petitioner now to claim that the respondents are liable to pay interest from the date when the said amount was withhold i.e., May, 2000 till it is



paid back in December, 2010 after disposal of the writ petition

W.P.No.49452 of 2006 on 09.07.2009.

WEB COPY

12. However, it is to be noted that though the Court did not grant interest on the refund amount of Rs.88,785/- as claimed by the petitioner from the date which was withheld till the disposal of the writ petition, the respondents could not have delayed granting refund after the disposal of the writ petition on 09.07.2009. The respondents instead of refunding the amount of Rs.88,785/-, to the petitioner, on disposal of the writ petition in W.P.No.49452 of 2006 on 09.07.2009 had took more than 1 year to act on the said order without their being any valid reason or justification.

13. Though the Co-ordinate Bench of this Court did not grant any interest, the said non-grant of interest can only be till the date of disposal of the writ petition and not beyond as the petitioner became entitled for refund of the said amount of Rs.88,785/- on or after 09.07.2009 as per the Court order. Inasmuch as there is no proceedings by which, the respondent can justify their action for not refunding the amount, the respondents are liable to pay interest on the refund amount from the date of passing of the order in

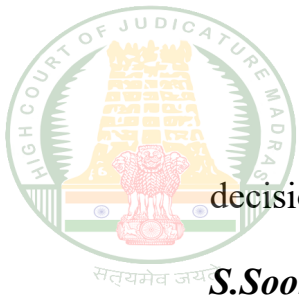


writ petition i.e., on 09.07.2009 till its actual payment which the petitioner claims, was effected in December 2010.

WEB COPY

14. Thus, this Court is of the view that the respondents are liable to pay interest on the refund amount of Rs.88,785/- from 10.07.2009 till its actual payment in December, 2010, as the said amount, represents part of the DCRG. It is settled position of law that withholding of DCRG without any valid reasons or justification, the respondents are liable to pay interest. This Court, in W.P.No.27730 of 2019 having regard to the decision of the Hon'ble Apex Court in the case of *Dr.Uma Agarwal vs. State of Uttar Pradesh* reported in (1999) 3 SCC 438 and the decision in *S.K.Dua vs. State of Haryana and another* reported in (2008) 3 SCC 44 had held that an employee can claim interest for non payment of retirement benefits.

15. Having regard to the settled position of law, this Court is of the view that since, this Court by its order dated 09.07.2009 having decided the liability of the respondents to refund the amount of Rs.88,785/- to the petitioner, the respondents are liable to pay interest on the aforesaid amount from 10.07.2009 till its actual payment @ 8% p.a.



16. In so far the reliance placed by the petitioner on the vario

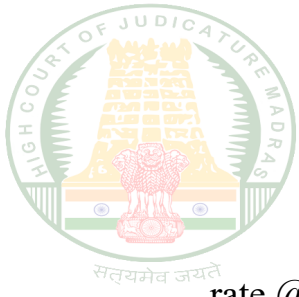
decisions of this Court and the decision of Kerala High Court in the case of

S.Sooryadas, "Anjali" vs. State of Kerala and others in W.P (C).No.23455

of 2011 (T) to contend that the interest is payable from the initial date of withholding, as noted herein above, since, the Co-ordinate Bench while disposing of the writ petition in W.P.No. 49452 of 2006 by order dated 09.07.2009 did not grant interest, and this Court being a Court of equal jurisdiction, cannot go into the said issue which has attained finality.

17. Further, the facts under consideration in the above mentioned cases are also at variance with the facts in the present case. As the Co-ordinate Bench having not accepted the claim of the petitioner for grant of interest, the petitioner cannot re-agitate the issue before another Bench of equal jurisdiction.

18. Thus, this Court is of the view that the claim of the petitioner for grant of interest from May, 2000 till passing of the order by this Court on 09.07.2009 in W.P.No. 49452 of 2006 cannot held as valid. However, as noted herein above, the petitioner is entitled for interest from 10.07.2009 till the actual date of refund of the amount of Rs.88,785/-.



WEB COPY

19. Accordingly, the respondents are directed to pay the interest at the rate @ 8% p.a. on the amount of Rs.88,785/- for the period from 10.07.2009 to Nov 2010 within a period of four weeks from the date of receipt of a copy of the order.

20. Subject to the above observations and direction, this writ petition is disposed of. No costs.

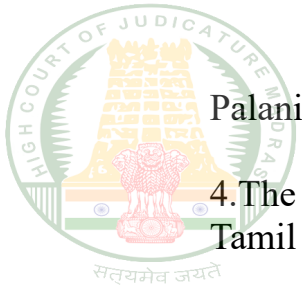
25.06.2026

msv
Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
msv

1.Engineer-in-Chief, W.R.O.,
Chief Engineer (General)
Public Works Department,
Chennai-600 005.

2.The Executive Engineer,
Nanganjiyar Basin Division,
Palani.

3.The Assistant Executive Engineer,
W.R.O.Public Works Department,
9/11



Palani.

4.The Principal Accountant- General (A & E)
Tamil Nadu, Chennai - 18

WEB COPY

W.P.No.34742 of 20



T. VINOD KUMAR, J.

msv

10/11

**Order made in
W.P.No.34742 of 2012**



WEB COPY

W.P.No.34742 of 20



25.06.2026