



W.P.No.15466 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 22.06.2026

Pronounced on : 25.06.2026

C O R A M :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.15466 of 2014

T.Meghakumaran (deceased)

1.A.Mani

2.M.Baradeswaran

3.G.Priya

4.Utham Jain

(substituted as legal heirs of the deceased petitioner vide order dated 17.09.2025
in WMP.No.35583 of 2025)

... Petitioner

vs

1.The State of Tamil Nadu

Rep by the Secretary to Government

Department of School Education

Fort St.George, Chennai – 600 009.

2.The Director of Elementary Education

DPI Campus

Chennai – 600 008.

3.The District Elementary Education Officer

Tiruvannamalai.

4.The District Elementary Education Officer



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5.The Assistant Elementary Education Officer
Arni West Union
Arni, Tiruvannamalai.

6.The Assistant Elementary Education Officer
Kizhayur Union, Kizhayur,
Nagapattinam

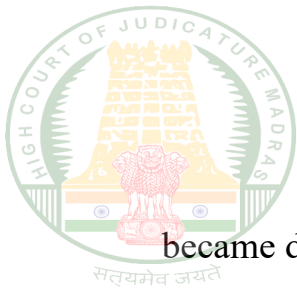
7.Aided Primary School
Kameshwaram West
Rep by its Secretary
Kameshwaram,
Nagapattinam District.

8.Arumugam Aided Middle School
Rep by its Correspondent
Kattukanalloor, Arni Taluk
Tiruvannamalai District.

9.The Accountant General of Tamil Nadu
Anna Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 5th respondent relating to the impugned order dated 28.01.2014 bearing Ref.No.Na.Ka.No.143/A3/14 and quash the same and consequently direct the respondents to pay interest @ 18% per annum on the belated payment of Gratuity, Earned Leave salary, commuted value of pension, pension and other arrears of pay, due to the petitioner @ 18% per annum from the date of which the amounts



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became due till date of disbursement.

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For Petitioners : Mr.T.Rajkumar

For Respondents : Mr.C.P.Goutham, GA for R1 to R6.
M/s.Hema Muralikrishnan for R9
No appearance – R7 & R8.

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 6 and the learned standing counsel appearing on behalf of the 9th respondent. Despite service of notice on the respondent 7 and 8 and their name also being reflected in the cause list, there is no representation in person or through counsel. Hence proceeded ex parte. Perused the material records.

2. The case of the petitioner in brief is that he had joined in service as Secondary Grade Teacher in Jayalakshmi Vilas Middle School on 01.08.1961; that on the said school being closed, he was deployed to work at 7th respondent school, which is an Aided Primary school; and that on his request he was transferred to



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work at 8th respondent school with effect from 21.11.1986 and retired from service

on attaining the age of superannuation on 31.07.2000.

3. It is the further case of the petitioner that on attaining the age of superannuation and relieving from service, the respondents were required to pay all retiral benefits i.e., Gratuity, E.L. Salary, Provident Fund; that though the respondents have paid him the benefits in respect of his service with the 8th respondent from 21.11.1986 till the date of retirement, the respondents did not pay the monetary benefits due to him for the services rendered by him from the initial date of joining i.e., 01.08.1961, till he left the 7th respondent school on 20.11.1986, to join the 8th respondent School.

4. The petitioner further contended that as the respondents did not grant and pay the benefits due to him for the services from 1961 to 1986, he had submitted a representation; that on it is non consideration had approached this Court by filing a writ petition in WP.No.26773 of 2007; that this Court by an order dated 09.08.2007 disposed of the writ petition and directed the second respondent therein to dispose of the representation dated 20.04.2007 submitted by



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him and pass orders on merits and in accordance with the law within a period of six weeks from the date of receipt of a copy of this order; and that the 5th respondent by the impugned order dated 28.01.2014, rejected the representation of the petitioner.

5. The petitioner contended that it is the duty of the respondents to ensure that all pensionary benefits payable are settled at the retirement i.e., gratuity, encashment of leave salary and other statutory benefits; that due to mistake of the 7th respondent at the time of relieving him from service on 20.11.1986, entries in service register relating to regularisation of service for the period he had worked in the 7th respondent school on being redeployed, was not made; and that the 7th respondent made necessary entries only on 30.03.2012 after he had approached this Court by filing the writ petition and after this Court passing the order.

6. It is contended that for the omission and commission committed by the 7th respondent, the petitioner cannot be made to suffer by not being granted the benefits due to him on his retirement, making him run from pillar to post.



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7. It is the further case of the petitioner that even after the respondents arrived at a settlement on 15.12.2006, the payment due to him was not made; that payment due to him was further delayed by the respondents claiming that the proposal for making payment of the amount due to him in the form of gratuity, earned leave / earned leave on private affairs were received only in October 2012; that the details were sent to the 9th respondent on 19.10.2012; that the 9th respondent had received sanction order for pensionary benefit on 10.01.2013; that only thereafter the respondents paid the gratuity amount on 13.02.2013, Earned leave Salary on 18.04.2013 and commuted value of pension on 03.07.2013; that he was entitled to receive the said payments on his retirement on 31.01.2000; and thus, the respondents are liable to pay interest for the delay caused in disbursing the amount due and payable to him.

8. Contending as above, the learned counsel for the petitioner placed reliance on the decision of the Hon'ble Supreme Court in the case of ***D.D.Tewari (dead) through Legal representatives V. Urrat Haryana Bijli Vitran Nigam Limited and others*** reported in ***(2014) 8 SCC 894***.



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9. Separate counter affidavits on behalf of the respondents 4, 5 and 9

have been filed.

10. The 4th respondent by the counter affidavit contended that the petitioner had initially joined viz., Jayalakshmi Vilas Middle School, Mannarkudi Union and on the said school being closed, was redeployed to work in the 7th respondent school whereat he worked till 20.11.1986 and resigned from his job; that the petitioner resignation was accepted by the District Education Officer, Nagapattinam and relieved him from the 7th respondent school on 20.11.1986 A.N.; that the petitioner had worked in the 7th respondent school from 28.07.1978 to 20.11.1986; that during the said period he had availed all kinds of leave viz., Medical Leave, Casual Leave, Leave on loss of pay without giving any previous intimation; that he did not attend his work and created lot of problem to the private management, ignoring the social responsibility as a Teacher, creating problems between him and the aided school management and also for the respondents 4 and 6, due to which he had quit the school on the A.N. of 20.11.1986.

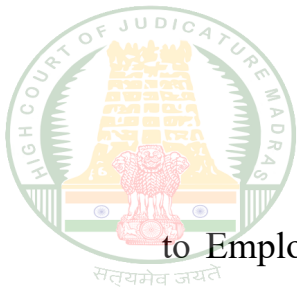


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11. The 4th respondent by the counter further contended that in respect of the irregular services during the period from 28.07.1978 to 20.11.1986 with the 7th respondent the leave period were regularised vide proceedings dated 27.12.1996 and accordingly, entries were made regarding regularisation of leave period in his Service Register at page 29 Volume-II.

12. The 4th respondent by the counter affidavit further contended that the petitioner on getting appointment in 8th respondent school worked thereat and retired from service on 30.07.2000 and since, his earlier leave period while working in the 7th respondent school was regularised only on 27.12.1996, there is no delay in payment of pensionary benefits either from the 4th respondent or from the 6th respondent. Contending as above, the 4th respondent sought for dismissal of the writ petition.

13. The 5th respondent by the counter affidavit contended that the petitioner resigned from the 7th respondent school on 20.11.1986 and was newly appointed in the 8th respondent school as Secondary Grade Teacher with reference



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to Employment Registration seniority list received from the Employment office;

that on attaining the age of superannuation, he had relieved on 31.07.2000; that the Special Provident Fund has been disbursed on 16.10.2000 and Teachers Provident Fund was disbursed on 20.12.2000.

14. The 5th respondent further contended that the 8th respondent submitted the pension proposals on 10.06.2004; that the said proposal was forwarded to the 9th respondent on 21.06.2004; that the 9th respondent returned the pension proposal raising certain objections and sought for resubmitting the pension proposal after attending to the points raised by them along with service register; that as the points mentioned by the 9th respondent were to be attended by the 6th respondent, the 5th respondent forwarded the service register along with the 9th respondent letter to the 6th respondent through the respondents 3 and 4.

15. The 5th respondent also contended that the 6th respondent thereafter had regularised the service of the petitioner vide proceedings dated 30.03.2012 and the same was received by the 5th respondent on 09.04.2012; that the 5th respondent thereafter had received pension proposal from 8th respondent on 06.10.2012, that



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too only after a reminder is being sent by the 5th respondent to 8th respondent on 13.06.2012; that the 5th respondent thereafter forwarded the pension proposal to the 9th respondent on 19.10.2012 and had received the Pension Payment Order issued by the 9th respondent on 10.02.2013.

16. The 5th respondent by the counter affidavit contended that on receipt of Pension Payment Order from the 9th respondent, gratuity amount has been disbursed to the petitioner on 13.02.2013; that as the 5th respondent had received the bills from the 8th respondent only on 23.03.2013, the Earned Leave and Unearned Leave salary was disbursed on 18.04.2013; that with reference to the letter dated 10.10.2012, the regulated pay for reappointment had been received from the 9th respondent on 05.08.2014 and the same would be disbursed to the petitioner.

17. The 5th respondent by the counter affidavit also contended that in order to pay arrears from 21.11.1986 to 31.07.2000 necessary bill should be forwarded by the 7th respondent herein, but until 28.01.2014, the 7th respondent did



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not forward the bill to it; and that there is no undue delay on part of the respondents 1 to 6 herein.

18. Contending as above, the 5th respondent claimed that the writ petition is not maintainable either in law or on facts and is liable to be dismissed.

19. The 9th respondent by the counter affidavit while not disputing the factual aspects of the petitioner's initial joining in service and his redeployment to the 7th respondent, however, claimed that the petitioner submitted technical resignation in the 7th respondent school and joined 8th respondent school w.e.f. 21.11.1986 and retired from service on attaining the age of superannuation on 31.07.2000.

20. The 9th respondent by the counter affidavit further contended that as the respondents / school education department did not include the petitioner's service from 01.08.1961 to 20.11.1986 for the purpose of calculating the retiral benefits, the petitioner approached this Court by filing writ petition in WP.No.26773 of 2007 and this Court disposed of the said writ petition on 09.08.2007, directing the respondents to pass orders; that only thereafter the



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department passed orders granting benefit for the petitioner's erstwhile service; and that based on such orders passed, retiral benefits were paid to the petitioner during January / February 2013.

21. The 9th respondent by the counter affidavit further contended that the pension proposal of the petitioner along with his service register was received from the Office of the 5th respondent on 26.10.2012 and necessary pensionary benefits were authorised by the 9th respondent vide letter dated 15.01.2013, within a reasonable time and there is no delay in authorising the pensionary benefits.

22. The 9th respondent by the counter affidavit also contended that as per the Tamil Nadu Pension Rules, 1978, the Government is the competent authority to sanction interest on the delayed payment of DCRG and no specific authorisation from the 9th respondent is necessary; that there is no explicit provision either in the Tamil Nadu Pension Rules or Tamil Nadu Civil Pension (Commutation) Rules for interest on the delayed payment of pension or Commuted Value of Pension (CVP); and that there is no role for the 9th respondent as regards payment of interest on delayed payment of pensionary benefits to the petitioner.



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WEB COPY 23. I have taken note of the respective contentions urged.

24. It is not in dispute that the petitioner had retired from service on 31.07.2000, after working for nearly 39 years. A Government servant after rendering service for such a long time, at the time of retirement on attaining the age of superannuation would expect all of his retirement benefits would be settled without he having to run around the respondent offices. Though, each of the respondents by their separate counter affidavits filed claimed that there is no delay on their part, it is to be noted that the petitioner's service from 1961 to 1978 having been regularised vide proceedings dated 27.12.1996 i.e, about 3 ½ years before he had attained the age of superannuation and having retired on 31.07.2000, there was no reason for the respondents not to grant him pensionary benefits immediately on attaining the age of superannuation, so that the petitioner could lead his retirement life peacefully.

25. However, since, there was some issue regarding the service of the petitioner with 7th respondent and regularisation of his leave period while working



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with the 7th and 8th respondents, the respondents having been arrived at a decision on 15.12.2006, the respondents atleast thereafter ought to have made payments due to the petitioner. Instead, the respondents adopting a bureaucratic approach of each one requiring to receive the papers from the others, particularly from the 7th and 8th respondents, dragged their feet in settling the claim of the petitioner by granting and making pensionary benefits due to the petitioner. The respondents by the further delay caused have given a go by to the decision taken on 15.12.2006. The payment that the petitioner is claiming as due and payable are gratuity, earned leave, unearned leave on private affairs, commutation value of pension arrears. The said payments being claimed by the petitioner are not any gratis, but are his entitlement for the services rendered by him.

26. The Hon'ble Supreme Court in the case of ***D.D.Tewari (supra)*** referring to the decision rendered in the ***State of Kerala V. Padmanaban Nair*** reported in ***1985 (1) SCC 429*** wherein it was held that “*pension and gratuity are no longer any bounty to be distributed by the Government to its employee on their retirement but have become under the decisions of this Court, valuable rights and property in their hands and any culpable delay in settlement and disbursement*”



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thereof must be visited with the penalty of payment of interest at the current market

rate till the actual payment to the employees”, held that the said principle still holds good.

27. The Hon'ble Supreme Court in the case of ***S.K.Dua V. State of Haryana and another*** reported in ***(2008) 3 SCC 44*** had expressed a prima facie view that an employee can claim interest for non payment of retiral benefits under Part III of the Constitution relying on Articles 14, 19 and 21 of the Constitution.

28. The aforesaid view of the Hon'ble Apex Court has been consistently applied by this Court in various decisions. This Court also had an occasion to consider the issue of payment of interest on delayed payment of retiral benefits and after referring to the decisions of the Hon'ble Apex Court as well as the decision of this Court, in the case of ***R.Dhanalakshmi V. Union of India and others – WP.No.26675 of 2019 dated 26.09.2025*** held that the respondents therein are liable to pay interest on the family pension claimed by the petitioner therein.

29. In the facts of the present case as noted herein above, since, the



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respondents by the decision taken on 15.12.2006 having agreed to examine the claim of the petitioner and settle the same, there was no reason for the respondents to cause further delay in settling and paying the pensionary benefits due to the petitioner, atleast in short time thereafter.

30. The petitioner in all likelihood would have assumed that the respondents / State would abide by the decision arrived at by them on 15.12.2006, whereby they had agreed to consider the claims made by him under his representation dated 20.04.2007.

31. The respondents in the name of adjudicating the claims made by the petitioner, decided the said claim at their sweet will and in the process further 6 ½ years from 15.12.2006 had passed by. It is only after lapse of such a long period, the respondents made payment of gratuity amount of Rs.1,83,794/- on 13.02.2013, Earned Leave / Leave on private affairs for Rs.42,676/- on 18.04.2013 and arrears of commutation value of pension on 03.07.2013. Though, the respondents contended that there is no delay in making the aforesaid payment, since, they received the relevant bills / documents from the 8th respondent only in October



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2012 onwards, it is to be seen that for the delays that are caused either by the respondents or the Schools which are under their administrative control, the petitioner cannot be made to suffer.

32. Thus, this Court by applying the principle laid down by the Hon'ble Apex Court in the case of *D.D.Tewari (supra)* is of the considered view that the respondents are liable to pay interest to the petitioner on the aforesaid payments made by them from 15.12.2006 till actual payment effected in February 2013 and July 2013.

33. Accordingly, the respondents are directed to pay interest on the aforementioned payment at the rate of 9% p.a. from 16.12.2006 till the actual date of respective payments (i.e.) on 13.02.2013, 18.04.2013 and 03.07.2013, within a period of three months from the date of receipt of a copy of this order. The respondents are also liable to pay interest at the same rate on any other payment that are still due and payable to the petitioner.

34. With the above direction, the writ petition is allowed by setting aside the impugned order of the 5th respondent in Na.Ka.No.143/A3/14 dated 28.01.2014. No costs.

25.06.2026



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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The State of Tamil Nadu

Rep by the Secretary to Government

Department of School Education

Fort St.George, Chennai – 600 009.

2.The Director of Elementary Education

DPI Campus

Chennai – 600 008.

3.The District Elementary Education Officer

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5.The Assistant Elementary Education Officer

Arni West Union

Arni, Tiruvannamalai.

6.The Assistant Elementary Education Officer

Kizhayur Union, Kizhayur,

Nagapattinam

7.Aided Primary School

Kameshwaram West

Rep by its Secretary

Kameshwaram, Nagapattinam District.

8.Arumugam Aided Middle School

Rep by its Correspondent

Kattukanalloor, Arni Taluk

18/20



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Tiruvannamalai District.

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9.The Accountant General of Tamil Nadu
Anna Salai,
Chennai – 600 002.



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T. VINOD KUMAR, J.

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Pre-delivery order made in
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