



WA No. 3939 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

**WA No. 3939 of 2025
AND CMP NO. 32054 OF 2025**

The Registrar,
TamiNadu Open University,
No.577, Anna Salai, Saidapet, Chennai - 600 015.

..Appellant

Vs

G. Anbalagan
S/o. Govindan, No.A-III,
Chozha Homes Flair, Anna Main Road,
Kolappakkam, Gerugambakkam Post,
Kanchipuram District - 600 128.

..Respondents

Prayer Writ Appeal under Clause XV of the Letters Patent to set aside order dated 02.08.2024 made in WP No.22349 of 2024.

For Appellants:

Mr.P Dinesh Kumar

For Respondent :

Mr.S.Kamadevan

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the Writ Court dated 02.08.2024 made in W.P.No.22349 of 2024.



WA No. 3939 of 2025

WEB COPY

2. The respondent was the employee of the appellant University. He was working as Deputy Registrar of the appellant University and he attained superannuation on 31.05.2022 and retired. However, out of his retirement benefits, insofar as the Contributory Pension Scheme (CPS), the amount to the extent of Rs.26,25,410/- has not been paid immediately. Since the same has been paid only on 24.05.2024 ie., after two years of his retirement, the respondent wanted to have interest for such belated payment of the CPS amount and therefore he approached the Writ Court by seeking a writ of Mandamus, which was allowed by the Writ Court through the impugned order dated 02.08.2024, of course without hearing the respondent University. Aggrieved over the said order, the present writ appeal has been filed.

3. Assailing the order impugned, the learned Standing Counsel for the appellant University would submit that, though the respondent / writ petitioner superannuated on 31.05.2022, with regard to the audit objection pertaining to the year 2013-14 since has been raised by the audit department, the same has been kept pending for want of clarification or rectification by the Government, which has been clearly communicated by the Deputy Director, Local Fund Audit, University of Madras, Chennai 600 005 to the Registrar, Tamil Nadu Open University, vide his communication dated 31.05.2023.



WA No. 3939 of 2025

WEB COPY

4. Pursuant to the said communication, the appellant University sent a detailed letter to the Government on 24.03.2023 to give such clarification, which has been replied on 03.10.2023 by the Government and thereafter the Deputy Director, Local Fund Audit, by a communication dated 26.12.2023 has conveyed the decision that the audit objection has been dropped. Thereafter, on 05.03.2024 there has been further communication from the Deputy Director, Local Fund Audit with regard to the pay fixation stating that the same has also been rectified and based on the revised pay, revised contributory pension was worked out including Special Provident Fund and a total amount of Rs.26,57,043/- was arrived at.

5. This has not been disputed by the writ petitioner and therefore the learned Standing Counsel would submit that, on the part of the employer absolutely there has not been any intentional delay in withholding the Contributory Pension amount payable to the writ petitioner and ultimately by order dated 03.05.2024 ie., immediately after completing all these formalities, since the amount has been disbursed, it cannot be said that there was belated payment. Therefore the writ petitioner since not entitled to any interest, that too at the rate of 9% as sought for by the petitioner, which was ultimately allowed by the impugned order with 6% interest, the learned Standing Counsel for the appellant University wants this Court to interfere with the order passed by the Writ Court.



WA No. 3939 of 2025

6. We have heard Mr.P.Dinesh Kumar, learned Standing Counsel for the appellant University and Mr.S.Kamadevan, learned counsel for the respondent.

7. Learned counsel for the respondent would submit that, though the order impugned was passed without hearing the respondent, on that ground the respondent cannot seek to set aside the order and leave the matter at rest. Instead, after setting aside the order this Court can remand the matter to the Writ Court for re-hearing after giving an opportunity of being heard to both sides and decide the issue afresh.

8. We are not impressed with the said submission of the respondent / writ petitioner to remand the matter once again to the Writ Court for the simple reason that, had there been any opportunity provided to the appellant, who stood as respondent before the Writ Court, all these facts would have been brought to the knowledge of the writ Court.

9. Now since these factors have been brought to our notice, we are satisfied that the two years delay was not intentional but only because of the audit objection raised by the audit department, and after regular correspondences by the appellant University, such audit objection has been revoked or dropped and then only after fixing the revised pay, based on which by calculating the revised contributory pension the amount had been sanctioned and paid. Therefore, that period



WA No. 3939 of 2025

consumed by the appellant employer cannot be said to be intentional and in our considered view, the writ petitioner is not entitled to get any interest. In that view of the matter, we are inclined to set aside the impugned order only insofar as the interest portion alone and to that extent the present appeal is ordered. The writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (V.L.N.,J.)
02-01-2026

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

KST

To

The Registrar,
TamiNadu Open University,
No.577, Anna Salai, Saidapet,
Chennai - 600 015.



WEB COPY



WA No. 3939 of 2025

**R.SURESH KUMAR J.
AND
V.LAKSHMINARAYANAN J.**

KST

**WA No. 3939 of 2025
AND
CMP NO. 32054 OF 2025**

02-01-2026

Page 6 of 6