



Writ Appeal No.107 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

Coram

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL**

**Writ Appeal No.107 of 2026
and C.M.P.No.973 of 2026**

1. The State of Tamil Nadu,
Rep. By the Principal Secretary to Government,
Home Department, Secretariat,
Chennai – 9.
 2. The Director General of Police/
Director General of Prisons,
Whannel's Road,
Egmore, Chennai – 8.
 3. The Superintendent,
Central Prison, Coimbatore - 16. ... Appellants
- Vs.
- A.Chandrasekaran,
S/o.R.S.Arumugham ... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 05.01.2024 made in W.P.No.36512 of 2023 passed by this Court.



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For Appellants : Mr.S.Yashwanth,
Additional Government Pleader

For Respondents : Mr.R.Thomas

JUDGMENT

[Made by **R.SURESH KUMAR, J.**]

This intra-court appeal has been directed against the order passed by the Writ Court dated 05.01.2024 made in W.P.No.36512 of 2023.

2. The simple issue that was tested by the Writ Court in the impugned order is that whether the writ petitioner/respondent is entitled to get 6% interest for the belated payment of retiral benefits or the terminal benefits.

3. The admitted fact was that the DCRG including the leave surrender payment had not been paid by the employer within the due time payable to the respondent/writ petitioner employee on his superannuation. When this was sought for by way of writ of mandamus, the writ petition was allowed through the impugned order by following the earlier order passed in this regard by the Writ Court made in W.P.No.26481 of 2019 dated 13.12.2019.



4. The learned Government Pleader wants to distinguish only a limited point to say that the learned Judge allowed the writ petition to pay the interest of 6% per annum for the entire terminal benefits including the encashment of surrender of earned leave, which was not belatedly paid as the belatedly paid amount is only DCRG, which was withheld only for want of recovery of some amount and when recovery proceedings was issued, the same was questioned before the Writ Court by the writ petitioner and only thereafter, since the same was paid there was a delay in payment of DCRG and for such a delay, interest cannot be paid for the entire terminal benefits including the encashment of earned leave salary, therefore, to that extent the order passed by the Writ Court atleast is liable to be modified, he contended.

5. We are not impressed with the said submissions made by the learned Government Pleader appearing for the appellant, for the simple reason that insofar as the belated payment of DCRG is concerned, atleast some recovery proceedings might have been issued and the same were subsequently either has been withdrawn or set aside and therefore, there was a delay in making the payment of DCRC, even for which, the employer liable to pay the interest, which was allowed by the Writ Court. To that extent, there has been no serious objection from the employer side.



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6. However, insofar as the encashment of earned leave is concerned, even that limited reason was not available for the employer to delay it, therefore, absolutely there has been no scope for denying such interest payable for the belated payment of encashment of earned leave salary to the employee. Therefore, the entire benefits, which include the DCRG as well as the surrender leave salary are all liable to be paid within a due time, which has not been paid admittedly, therefore, they carry the interest, that too a minimum interest of 6% alone since has been allowed by the Writ Court through the impugned order, we do not find any reason to interfere with the said conclusion reached by the Writ Court through the impugned order. As a result of which, the appeal fails and hence, it is dismissed. No costs. Connected miscellaneous petition is closed.

The direction given by the Writ Court shall be complied with by the appellant Department within a period of two(2) months from the date of receipt of a copy of this order.

[R.S.K., J.] [P.D.B., J.]
27.01.2026

Index: Yes/No
Speaking Order/Non-speaking Order
NCC: Yes/No

mp

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and
P.DHANABAL, J.

mp

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