



W.P(MD)No.16756 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.16756 of 2023

Dr.S.N.Mohan

... Petitioner

Vs

1.The Secretary to Government,
Health and Family Welfare (K2) Department,
Secretariat,
Chennai-600009.

2.The Joint Director of Health Services,
Dr. Muthulakshmi Memorial Government District
Headquarters Hospital,
Pudukottai,Pudukottai District.

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent i.e., the Secretary to Government, Health and Family Welfare Department, Chennai to sanction the interest to the petitioner at the rate of 12 percentage as per the law laid down by the Honble Supreme Court, Honble Division Benches and followed by Government for the belated payment of retirement benefits for the period from 01.05.2011 to 28.08.2022 within a specified time frame that may be fixed by this Court.



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For Petitioner : Mr.Visvalingam.S,
For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

The petitioner, who served as a Civil Surgeon in Dr. Muthulakshmi Memorial Government District Headquarters Hospital, Pudukottai District/the second respondent herein retired from service on attaining the age of superannuation on 30.04.2011, however, the retirement benefits due to this petitioner was settled only on 29.08.2022. Therefore, this petitioner has submitted a representation on 27.01.2023, seeking interest from 01.05.2011 to 28.08.2022, for the belated payment of retirement benefits. Since no action was taken by the respondents, the petitioner has approached this Court.

2.The learned counsel appearing for the petitioner submits that though the disciplinary proceedings initiated as against this petitioner ended in punishment of cutting of pension of Rs.200/- per month for a period of one year, it was subsequently set aside by this Court in WP(MD) No.1524 of 2018, dated 13.03.2018.



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Moreover, the disciplinary action initiated under Rule 17(A) of the Tamil Nadu Civil Services(Discipline and Appeal) Rules, dated 29.06.2006, inflicting punishment of stoppage of increment for a period of six months without cumulative effect was also set aside by a Government order in G.O.(D) No.1336, Health and Family Welfare Department, dated 22.09.2016. Even then, the retirement benefits have not been settled to this petitioner. Therefore, the petitioner has moved a writ petition before this Court in WP(MD) No.19707 of 2018 and this Court by its order dated 25.09.2018 directed the respondent Department to consider the petitioner's representation. Accordingly, the retirement benefits have been settled to this petitioner only on 29.08.2022, after 11 years from his date of superannuation. The learned counsel for the petitioner further submits that the petitioner is entitled to interest for the belated payment of retirement benefits, as per Rule 45(A) of Tamil Nadu Pension Rules, 1978 and therefore, a suitable direction may be issued to the respondents to settle the interest at the rate of 12% on the belated payment of retirement benefits.



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3.The learned Special Government Pleader appearing for the respondents submits that though this petitioner retired from service in the month of April, 2011, he was facing disciplinary proceedings and the same ended with punishment of cutting of pension of Rs.200 per month by an order dated 10.10.2014. The petitioner has filed a review as against the order of punishment and the same was also rejected. In view of the pendency of the disciplinary proceedings as against the petitioner, the retirement benefits due to this petitioner was paid belatedly.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner, a Civil Surgeon was allowed to retire on superannuation on 30.04.2011, however, his retirement benefits have been settled to him only on 29.08.2022 and that too, after the order of this Court in WP(MD) No.19707 of 2018, dated 25.09.2018. It appears that the respondents have initiated the disciplinary proceedings in the year 2014, which was ended with



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punishment only after the date of his retirement. The order of punishment has also been quashed by this Court in WP(MD) No. 1524 of 2018 dated 13.03.2018 and therefore, this petitioner is entitled for interest for the belated payment of his retirement benefits, however, at the rate of 6% per annum from the date of his retirement.

6.In view of the above, this writ petition is disposed of with a direction to the respondents to settle the interest amount at the rate of 6% for the belated payment of retirement benefits from the date of his retirement, within a period of six months from the date of receipt of a copy of this order. No costs.

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Index:Yes
Internet:Yes
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B.PUGALENDHI, J.

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Order made in
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