



W.A.No.3551 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

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CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

W.A.No.3551 of 2025

M.Vajravelu

... Appellant

-Vs-

1. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.

2. The Joint Commissioner (Finance),
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.

3. The Assistant Commissioner (GA & P),
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.

4. The Financial Advisor,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.

... Respondents

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 25.02.2025 in W.P.No.4354 of 2025.



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For Appellant : Mr.S.Vedivel
for Ms.V.Pooja

For Respondents : Mr.E.C.Ramesh
Standing Counsel

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J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra-Court appeal has been directed against the order dated 25.02.2025 made in W.P.No.4354 of 2025.

2. The present appellant was the petitioner who retired from service on 30.06.2022 on superannuation. His Death-cum-Retirement Gratuity was disbursed only on 24.07.2024. Therefore, there has been a belated or delayed payment of DCRG for which the appellant / petitioner since was entitled to get the interest, seeking such interest, he approached the writ Court seeking for a writ of mandamus.

3. After hearing the case, by short order, the writ Court rejected the said writ petitioner's plea on the ground that, the reasons cited by the employer for delay in payment are plausible, therefore, the writ petition cannot be accepted and accordingly, it was dismissed through the impugned order.



4. Heard Mr.S.Vedivel, learned counsel appearing for the appellant and Mr.E.C.Ramesh, learned Standing Counsel appearing for the respondents.

5. We have gone through the order impugned passed by the writ Court dated 25.02.2025.

6. The only reason cited by the employer was that, immediately on the date of the retirement, the proposal had been sent with a condition that, as soon as an audit clearance has come, then only, the amount would be disbursed. The audit clearance since has come only on 04.06.2024, the amount was cleared on 11.07.2024, therefore, it is not a delay on the part of the employer, this defence taken by them was accepted by the writ Court.

7. We are not impressed with the said defence taken by the learned Standing Counsel appearing for the respondents for the simple reason that the reasons cited by the respondents for the delay are not attributable on the employee or unforeseen reasons on the part of the employer.

8. If at all, any audit clearance has to be secured, that should have been secured by initiating the proceedings by sending the proposal for pension well before or well ahead of the superannuation of the employee and that kind of



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procedure even though has been contemplated under the Service Regulations, that is not adopted in the present case, therefore, there is a delay of nearly about two years or more, hence, certainly the writ petitioner/retired employee is entitled to get nominal interest as permissible. In that view of the matter, we are inclined to allow this writ appeal with the following terms:

(i) that the impugned order passed by the writ Court is set aside.

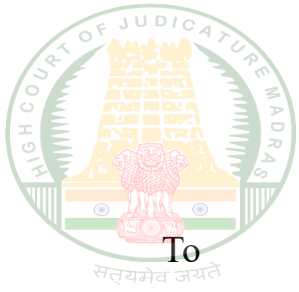
(ii) As a sequel, there shall be a direction to the respondent Corporation to calculate the interest at the rate of 8% per annum as has been allowed under Section 45(A) of the Pension Rules, 1978. Such belated payment of DCRG would entitle the retired employee to get such interest and that interest to be calculated shall be paid by the respondents to the appellant within a period of two months from the date of receipt of a copy of this judgment.

9. With these directions, this Writ Appeal is allowed. However, there shall be no order as to costs.

(R.S.K., J.) (S.S.A., J.)
21.01.2026

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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