

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 16174/2023

[Arising out of impugned final judgment and order dated 03-03-2023 in WA No. 1264/2019 passed by the High Court of Judicature at Madras]

DR. D. ADIROUBANE

Petitioner(s)

VERSUS

THE SECRETARY TO GOVERNMENT (AGRICULTURE) & ORS. Respondent(s)
(IA No. 149166/2023 - INTERLOCUTARY APPLICATION)

Date : 11-02-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) : Mr. Dhananjay Baijal, AOR

For Respondent(s) : Mr. Aravindh S., AOR
Mr. Akshay Gupta, Adv.
Mr. Aadithya Aravindh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The present Special Leave Petition has been filed challenging the judgment dated 03.03.2023 passed in Writ Appeal No. 1264 of 2019 whereby the Division Bench of the High Court, as per paragraph 24 of the judgment, directed as under :-

"24. The Pro-rata monthly pension shall be determined and the same shall be paid with interest at 6% per annum from the date on which such monthly pension fell due till actual payment. We find that the absorption has been confirmed on 20.03.1994 with effect from 05.11.1990. Therefore, the first respondent would be deemed to have been in the services of the Government of Puducherry till 04.11.1990.

Therefore, he would be entitled to pension from the month of December 1990 payable from the month of January 1991. The Government of Puducherry shall calculate the pension payable to the first respondent as on 04.11.1990 and pay the same month on month with interest at 6% from the date on which such pension fell due till date of payment. We are imposing the burden of payment of interest on the pension as we find that the first respondent has been unjustly denied the benefit of pension because of the carelessness and negligence on the part of the Authorities in handling the issue."

2. While issuing notice on 28.08.2023, this Court restricted the Special Leave for hearing only on the point of interest. The said order is relevant, therefore, it is reproduced as under :

"Limited to the aspect of interest component payable on the pension directed to be paid by the respondents in favour of the petitioner, which has been reduced by the Division Bench from 12% as awarded by the learned Single Judge to 6%, issue notice."

3. After hearing learned counsel for the parties and in the peculiar facts and circumstances of this case, in our view the reduction of the rate of interest, as directed by the High Court, do not appear to be justified. Accordingly, we modify the grant of interest at the rate of 12% per annum instead of 6% per annum, maintaining the other directions of the order of the Division Bench.

4. Accordingly, the Special Leave Petition is disposed of. Pending applications, if any, shall also stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
COURT MASTER