

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2015

Coram

The Hon'ble Mr. Justice K.K.SASIDHARAN

W.P.No.31094 of 2014

R.Thangam

..Petitioner

Vs.

1.The Principal Secretary to Government,
Home Department (Police - IV),
Fort St. George, Chennai - 9.

2.The Director General of Police,
Mylapore, Chennai - 4.

3.The Commissioner of Police,
Vepery, Chennai - 7.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to pay pension to the petitioner with effect from 03.09.2010 the date on which the petitioner was permitted to retire on superannuation from service.

For Petitioner ... Mr.P.Chandrasekar

For Respondents .. Mr.M.S.Ramesh,
Addl. Govt. Pleader

ORDER

The petitioner worked as Sub Inspector of Police and on attaining the age of superannuation, retired on 31.03.2000. While permitting the petitioner to retire from service, the Government has stated that the order was without prejudice to the departmental action in P.R.No.55/2000. It is the grievance of the petitioner that inspite of submitting series of representations requesting to pay him terminal benefits, no follow up action was taken by any of the respondents. The petitioner is therefore before this Court.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader on behalf of the respondents.

3.The factual matrix indicates that the petitioner was permitted to retire from service with effect from 31.03.2000 without prejudice to the departmental action in P.R.No.55/2000. The information obtained by the petitioner by invoking Right To Information Act dated 17.09.2014 indicates that a proposal was made by the Police Department to the Government on 22.08.2011 to deal with him under Pension Rules in connection with P.R.No.55/2000. However, the Government have not passed any orders.

4.The petitioner retired as early as on 31.03.2000. He has not been given the pensionary benefits inspite of expiry of a period of about fourteen years. The Government cannot be heard to say that proceedings initiated against the employee during the currency of his employment would be kept alive till his death. In case, the Government have initiated proceedings against the petitioner, the same should have been put to an end within a reasonable period. I am therefore of the view that appropriate action should be taken by the respondents to dispose of the matter.

5.The first respondent is directed to take immediate action to dispose of the application submitted by the petitioner for pension with effect from 03.09.2010, the date on which he was superannuated from service. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above direction. No costs.
mmi

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1.The Principal Secretary to Government,
Home Department (Police - IV),
Fort St. George, Chennai - 9.

2.The Director General of Police, Mylapore, Chennai - 4.

3.The Commissioner of Police, Vepery, Chennai - 7.

+ 1 CC TO THE GOVT.PLEADER, SR.6384.

+ 2 CCS TO Mr.P.CHANDRASEKAR, ADVOCATE SR.6260.

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KR/21/2/15