

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.23184 of 2015

Dr.V.Geetha

.. Petitioner

Vs.

1. The Deputy Director of Health Services,
Coimbatore District, Coimbatore.
2. The Director of Public Health and
Preventive Medicine,
D.M.S.Compound,
359, Anna Salai, Chennai-600 006.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to submit the pension proposals of the petitioner to the Accountant General, Chennai for sanction of pension and DCRG based on the proceedings of the first respondent issued in R.No.799/A1/2014, dated 28.08.2014, allowing the petitioner to retire from service on 31.08.2014 afternoon, within a reasonable period as may be fixed by this Court.

For petitioner : Mr.T.Ranganathan

For respondents : Mrs.M.E.Raniselvam, Addl.G.P.

ORDER

The petitioner was an Assistant Surgeon in Government Primary Health Centre at S.S.Kulam in Coimbatore District. The first respondent-Deputy Director of Health Services, Coimbatore, issued proceedings dated 28.08.2014, permitting the petitioner to retire on 31.08.2014 as she attained the age of superannuation. It is stated therein that there is no departmental proceedings pending against her. In view of the same, it follows that the second respondent-Director of Public Health and Preventive Medicine, Chennai, should send the pension proposal to the Principal Account General, Chennai, as the petitioner had been permitted to retire, as stated above. It is the grievance of the petitioner that though nearly one year lapsed, the pension proposal has not been sent so far to the Principal Accountant General, Chennai, and therefore, she has filed this Writ Petition. Non-payment of retiral benefits is not only arbitrary, but also in violation of Article 21 of the Constitution of

India. A Government servant shall not be deprived of the retiral benefits for no fault of his/her. In the above circumstances, a direction is issued to the second respondent to submit the pension proposal of the petitioner to the Principal Accountant General, Chennai, for sanction of pension, DCRG and other outstanding retiral benefits, if any, within a period of eight weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of with the above direction. No costs.

cs

sd/-

Assistant Registrar(II)

True Copy

Sub-Assistant Registrar

Copy to:

1.The Deputy Director of Health Services,Coimbatore District,
Coimbatore.

2.The Director of Public Health and Preventive Medicine,
D.M.S.Compund, 359, Anna Salai, Chennai-600 006.

+ 1 cc to Mr.T.Ranganathan, Advocat SR 39168

+ 1 cc to Government Pleader, SR 39538

sv(co)
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