

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25157 of 2015

G.Ravindranath

.. Petitioner

- Vs -

1. The Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai - 9.
 2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 5.
 3. The Director of Local Fund Audit,
'Kuralagam' IV Floor,
Chennai - 108.
 4. The Commissioner,
Karaikudi Municipality,
Karaikudi.
- ... Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to sanction commutation of pension based on the date of issuing the order in letter No.26681/NA.O.SA.6/2012, dated 12.10.2012 by the 3rd respondent sanctioning pension of Rs.8,701/- and further direct the respondents to draw and disburse the difference of commutation of pension.

For Petitioner : Mr.K.Venkataramani
SC for Mr.M.Muthappan

For Respondents : Mr.S.Gunasekaran
Government Advocate

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O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner at the time of superannuation from service on 31.07.1999, was working as Revenue Inspector and he was sanctioned only provisional pension and was not paid death-cum-retirement gratuity as well as commutation of pension citing the reason of audit

objection pending against him while he was serving in Salem Municipality and Pollachi Municipality. According to the petitioner, the said audit objections were closed in his favour and the fourth respondent has also sent a proposal to the third respondent dated 10.02.2000, recommending payment of retirement benefits to the petitioner; but the third respondent has returned the same seeking certain clarification.

3. It is further stated by the petitioner that the Commissioner of Pollachi Municipality by letter dated 22.03.2000, has stated that the petitioner is jointly responsible for the audit objection and in spite of the same, the third respondent made positive recommendation and thereby directed to pay only provisional pension from 1999 to the petitioner. The petitioner in this regard, approached this Court by filing a writ petition in W.P.No.1650 of 2012 and vide order dated 13.02.2012, this Court has directed the concerned respondent to dispose of the representation submitted by the petitioner in this regard within a stipulated time. The petitioner was sanctioned gratuity and provisional pension was also sanctioned. On 12.10.2012, commutation of pension was sanctioned taking into account the provisional pension of Rs.3,850/-. According to the petitioner, the said calculation is incorrect as at the time of sanctioning commutation of pension, the petitioner was receiving a pension of Rs.8701/- as on 01.01.2006 and he has also filed a writ petition in W.P.No.5815 of 2015 seeking for a direction to pay interest at the rate of 12% p.a. for the belated payment of gratuity, pension arrears, etc., and the same is pending. The petitioner has also submitted a representation dated 14.05.2015, praying sanction of commutation of pension based on the pension drawn at the time of sanctioning of commutation of pension, since no order is forthcoming, he has come forward to file this writ petition.

4. Heard the submissions of Mr.K.Venkataramani, learned senior counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate accepts notice on behalf of the respondents 1 to 4.

5. Though the petitioner prays for a larger relief, this Court in the light of the facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the third respondent to consider and dispose of the representation of the petitioner dated 14.05.2015, in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

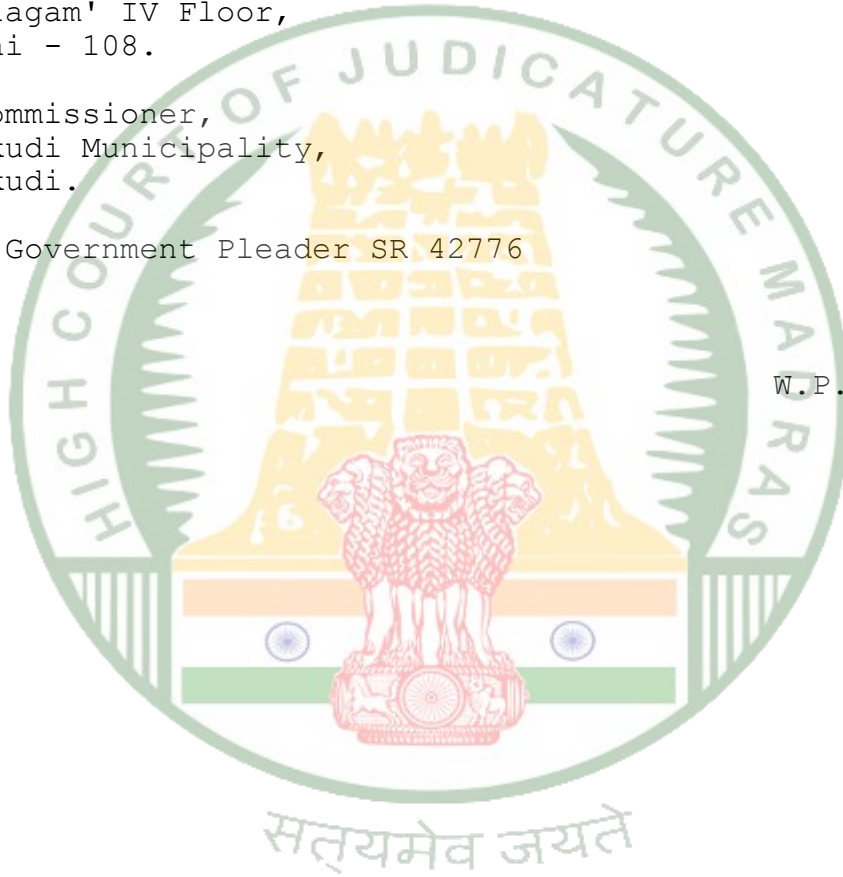
To

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+ 1 cc to Government Pleader SR 42776

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