IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27264 of 2015

K.Sarasu .. Petitioner

Vs

1.The Commissioner of Social Welfare,
SIDCO Electronics Complex,
IInd Floor, Thiru.Vi.Ka. Industrial
Estate, Guindy, Chennai - 32.

2.The Joint Director of Social Welfare
(Administration),
SIDCO Electronics Complex,
IInd Floor, Thiru.Vi.Ka. Industrial
Estate, Guindy, Chennai - 32.

3.The Principal Accountant General (A & E),
Tamil Nadu, No.361, Anna Salai,
Chennai - 18. .. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents herein to sanction and disburse the pension and death cum retirement gratuity, along with interest to the petitioner immediately considering the pension proposal dated 12.09.2014.

For Petitioner .. Mr.A.Ganesan

For Respondents .. Mr.V.Subbiah,
Spl. Govt. Pleader for R1 & R2
Mr.V.Vijayshankar for R3

ORDER

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

2.The petitioner while working as a Superintendent in the services of Social Welfare Department, opted for voluntary retirement

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in the year 2009 and she was permitted to do so with effect from 31.01.2009 afternoon under F.R. 56 (3) (a). The petitioner would state that after her retirement from service, pension proposals have been submitted to the first respondent on 04.05.2009. Since it was submitted as per the pre-revised scale of pay, the first respondent did not forward the pension proposal to the third respondent. Thereafter, the petitioner was asked to resubmit the pension proposal, after effecting the revised scale of pay, based on the recommendation made by the 6th pay commission and she has also done so. However, the third respondent did not accept the same, pointing out some errors in the fixation of pay and requested the second respondent to rectify it and it was also rectified and and inspite of it, the first respondent did not forward the pension proposal to the third respondent. Some time thereafter, it was forwarded to the third respondent, who, by communication dated 02.02.2015, has returned the proposal to the first respondent on the following grounds:

> "The reconstructed SR is incomplete as SR entries for the period from 1986 to 2002 is missing. The same may be incorporated in the reconstructed SR. Specific entries may be made for all the events like promotion, grade, LLP etc., from date of appointment to date of voluntary retirement and authenticated leave account in complete shape and pay details, especially the pay fixation done on 01.06.1988 and 01.01.1996 may be furnished duly attested.
>
> Also, the reason for non-submission of pension proposed after the voluntary retirement date in 30.01.2009 till destruction of the SRs in 16.1.2012/9/2014 (date of forwarding) may be furn.
>
> Endt.No.Pen 21/1/Rev/22111999/14-15/ADK."

3.The grievance expressed by the petitioner is that though she voluntarily retired from service as early as in the year 2009, she is yet to be conferred with pension and other benefits and therefore, came forward to file this writ petition.

4.Heard the submissions of the learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

5.This Court, taking into consideration the above facts and circumstances, directs the first respondent to consider and clarify the queries/doubts raised by the third respondent in the communication dated 02.02.2015, within a period of six weeks from the date of receipt of a copy of this order and also mark a copy of the same to the petitioner. The third respondent, on receipt of the same, is directed to consider the clarification given by the first respondent, within a further period of four weeks thereafter and

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communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

mmi

To
1.The Commissioner of Social Welfare,
SIDCO Electronics Complex,
IInd Floor, Thiru.Vi.Ka. Industrial
Estate, Guindy, Chennai - 32.

2.The Joint Director of Social Welfare
(Administration),
SIDCO Electronics Complex,
IInd Floor, Thiru.Vi.Ka. Nagar Industrial
Estate, Guindy, Chennai - 32.

3.The Principal Accountant General (A & E),
Tamil Nadu, No.361, Anna Salai,
Chennai - 18.

1 cc to Mr.C.Prakasam , Advocate Sr.No.46550
1 cc to Government Pleader.Sr.No.47246

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