

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31575 of 2015

G.Jayaraman

... Petitioner

Vs.

The Principal Secretary /
Commissioner of Commercial Taxes,
Chepauk,
Chennai 600 005.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider petitioner representation dated 28.5.2015 and 12.8.2015 to pass appropriate orders on payment of Pension and other eligible Terminal Benefits as this Honourable Court.

For Petitioner : Mr.T.Chandrasekaran

For Respondent : Mr.V.Haribabu

Additional Government Pleader (Taxes)

O R D E R

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

2.The petitioner while working as Junior Assistant in the services of the Commercial Tax Department was visited with disciplinary proceedings in the form of charge memo under Rule 17(B) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and he was permitted to retire from service on attaining the age of superannuation on 30.06.2012. The petitioner would further state that insofar as the 15 charges framed, the Enquiry Officer has dropped charges 1 to 5, 9 and 15 as not proved and the other charges are held to be proved and called upon the petitioner to submit his explanation and accordingly, he has also submitted his explanation on 28.05.2015.

3.The grievance now expressed by the petitioner is that though he was permitted to retire from service without prejudice

to the disciplinary proceedings, the contribution made by him to the provident fund, special provident fund, encashment of surrender leave as well as provisional pension have not been paid and in this regard, has also sought information under the Right to Information Act. It is his further grievance that on account of the non settlement of the statutory entitlements, he is suffering very much and hence, came forward to file this writ petition.

4. Heard the submissions of Mr.T.Chandrasekaran, learned counsel appearing for the petitioner and Mr.V.Haribabu, learned Additional Government Pleader (Taxes) who accepts notice on behalf of the respondent.

5. A perusal of the typed set of documents would disclose that the first respondent has forwarded the recommendation of the second respondent to the third respondent vide letter dated 11.07.2014 in Na.Ka.K2/11991/2013.

6. This Court in the light of the above facts and circumstances, permits the petitioner to submit one more representation to the respondent by enclosing a copy of this order as well as a copy of the earlier representation within a period of two weeks from the date of receipt of a copy of this order and the respondent on receipt of the same is directed to consider and dispose of the same, on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. The writ petition is disposed of accordingly. No costs.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To
The Principal Secretary /
Commissioner of Commercial Taxes,
Chepauk,
Chennai 600 005.

+1 cc to Mr.T.Chandrasekaran, Advocate (sr.54502)

+1 cc to The Special Government Taxes (sr.54893)

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SK(co)

cp 19/10/2015