

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

W.P.No.36193 of 2015

Balavaradharaj (Forester - Retd)

...Petitioner

vs.

The District Treasury Officer,
Sathuvachari
Vellore 632 001.

...Respondent

Writ Petition has been filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent to disburse the pension amount to the petitioner from October 2011 without insisting pension pass book to the petitioner to till this date.

For Petitioner : Mr.R.Margabandhu

For Respondent : Mr.V.Jayaprakash Narayanan
Spl.G.P.

O R D E R

Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondent. By consent, the writ petition is taken up for final disposal at the time of admission itself.

2.The petitioner filed this writ petition, seeking a writ of Mandamus, to direct the respondent to disburse the pension payable to the petitioner from October 2011 without insisting pension pass book.

3.The case of the petitioner is that he was employed in Forest department and he retired from service on 28.02.2010, on attaining the age of superannuation. His pension was fixed at Rs.7,200/- per month and subsequently, it was increased to Rs.8,414/- and paid till October 2011. Thereafter, the respondent refused to pay pension to the petitioner on the

ground that the petitioner has not produced original pension pass book.

4.The learned counsel for the petitioner submitted that the petitioner was residing in the rented house at Vellapadi in Vellore District and his original pension passbook and jewels of 60 sovereigns were stolen, for which, he lodged a complaint and the same was registered in CSR No.278 of 2011 on 29.07.2011. The learned counsel for the petitioner further submitted that though the petitioner is having the copy of the pension passbook, the respondent refused to pay the pension amount and the respondent insisted the petitioner to produce the original pension passbook, without considering the fact that it was stolen by somebody, which causes mental agony to the petitioner. Hence, the petitioner submitted a representation to the respondent on 23.10.2015, which is yet to be considered by the respondent. Therefore, the petitioner filed this writ petition.

5.Heard Mr.R.Margabandhu, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondent.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the case, directs the respondent to consider the petitioner's representation dated 23.10.2015 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CO)

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सत्यमेव जयते
Sub Assistant Registrar

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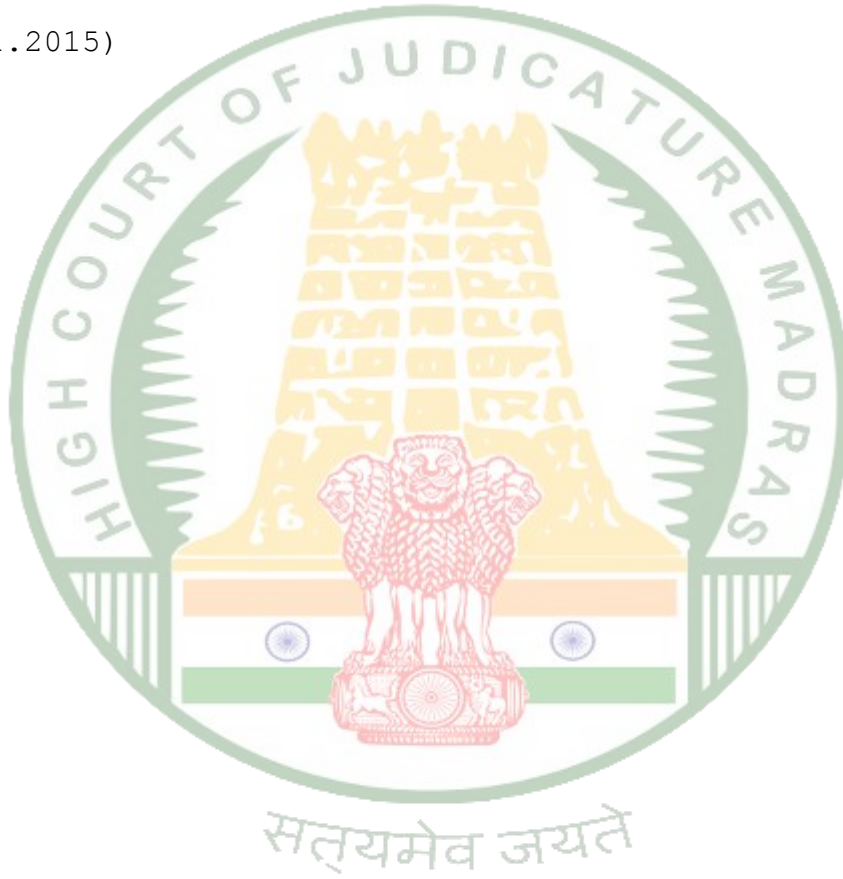
The District Treasury Officer,
Sathuvachari,
Vellore 632 001.

1 CC to Mr.R.Margabandhu, Advocate SR.No. 61660

+ 1 cc to The Govt.Pleader, Sr 61770 (8/1/16)

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PPA (CO)
PSI (06.11.2015)



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