



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal (MD) No.1068 of 2015

1.The Government of Tamil Nadu
rep.by Secretary to Government,
Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai - 600 009.

2.The Director,
Local Fund Audit,
Kuralagam
Chennai - 600 108.

3.The District Collector,
Sivagangai District,
Sivagangai.

4.The Commissioner,
Ilayankudi Panchayat Union,
Sivagangai District.

... Appellants/Respondents

Vs.

S.Muniyandi

... Respondent/Petitioner

Writ Appeal filed under Section 15 of Letters Pattern Act against the order dated 17.12.2014 passed in WP(MD)No.13399 of 2009 by this Court.

Prayer in WP(MD)No. 13399/ 2009 :

Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the retirement benefits , monthly pension, pension arrears, commutation of pension surrender of earned leave, DCRG and other service benefits with interest at the rate of 18% per annum from the date of petitioner's retirement.

For Appellants : Mr.A.K.Baskarapandian
Spl.Govt.Pleader

For Respondent : M/s.J.Nisha Banu



JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR,J.)

This writ appeal is directed against the order passed by the learned single Judge in W.P(MD)No.13399 of 2009, dated 17.12.2014.

2.The respondent who rendered 28 years of service, allowed to retire without any remark was denied retirement benefits. That was challenged before the learned Single Judge and it was allowed. Aggrieved by the same, the present appeal has been filed.

3.We find that the respondent was appointed on temporary basis and subsequently, his service was regularised by the fourth appellant and probation was also declared by the same authority and allowed to continue in Government service for a period of 28 years and allowed to retire on attaining the age of superannuation on 22.08.2005. However, the retirement and pensionary benefits have been denied based on the audit objection raised in the year 2008 by the authorities concerned stating that the initial appointment and regularisation of the appellant is not in accordance with the rules. Absolutely there is no justifiable reason as to how retirement benefits should be denied. The concerned officer who is administering the service records of all the employees alone is answerable to the audit Department and not the respondent who has put in service for so many years without any blemish.

4.We find no reason to interfere with the direction issued by the learned Single Judge to sanction retirement and pensionary benefits. Therefore, this writ appeal is dismissed. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

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Sivagangai.

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Sivagangai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 63153
+ 1 CC TO MR.J.NISHA BANU, ADVOCATE IN SR NO. 63095

MJ

TE/JGB-DP/ : 05/11/2015 : 3P/7C

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