



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31.07.2015

C O R A M

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.13404 of 2015

S.Meeran Malik Mohamed

... Petitioner

Vs

1. The Principal Accountant General,
(Accounts and Entitlements),
361, Anna Salai,
Chennai-600 018.

2. The Secretary,
Department of Public Library,
Secretariat,
Chennai.

3. The Director,
Directorate of Public Library,
Chennai-600 002.

4. The District Library Officer,
District Library Office,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER:Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to pass appropriate government orders to sanction the service and pensionary benefits to the petitioner by considering the fourth respondent letter dated 23.04.2015 in Na.Ka.No.1207/A/2014 sent to the third respondent and consequently direct the first respondent to sanction the entire service and pensionary benefits to him within the stipulated period.

For Petitioner

... Mr.A.Haja Mohideen

For Respondent

... Mr.P.Gunasekaran

Standing Counsel

for R.1 takes notice

... Mr.V.Muruganandam

Additional Government Pleader

for R2 to R4 takes notice



O R D E R

This Writ Petition has been filed, praying for issuance of a Writ of Mandamus, directing the second respondent to pass appropriate government orders to sanction the service and pensionary benefits to the petitioner by considering the fourth respondent letter dated 23.04.2015 in Na.Ka.No.1207/A/2014 sent to the third respondent and consequently direct the first respondent to sanction the entire service and pensionary benefits to him within the stipulated period. However, the first respondent has failed to consider his case. Hence, the petitioner is before this Court by filing this writ petition.

2.Mr.P.Gunasekaran, learned Standing Counsel takes notice for the first respondent and Mr.V.Muruganandam, learned Additional Government Pleader takes notice for the respondents 2 to 4 and by consent of both parties, the writ petition itself is taken up for final disposal.

3.The learned Counsel for the petitioner submitted that he was working as attender under the District Library Officer, Ramanathapuram in the Puthumadam Branch library from the year 1967. Subsequently, he was promoted as Record Clerk in the year 1981. Since he was suffering from "Borderline Disorder" with multiple personality in the month of April 1984, he was absent from duty from 24.07.1984 and his actual superannuation was on 31.03.1997. He further submitted that he had recovered from the said disease in the year 2009 only. After that, on 30.06.2009, he made a representation to the third respondent for getting his service and pensionary benefits.

4.Since the service of the petitioner was under the Combined Ramanathapuram Library Authority, the District Library Officer, Ramanathapuram, on 22.04.2010, vide Na.Ka..No.2922/A/2009, has recommended to the third respondent to sanction the service and pensionary benefits, after verifying all service particulars and medical certificates of the petitioner. After verifying the service records and certificates, the fourth respondent recommended to the first respondent to sanction his service and pensionary benefits. On receipt of the recommendation, the first respondent sanctioned the general provident fund, however failed to sanction the service and pensionary benefits. In the meantime, the petitioner filed a writ petition in W.P.(MD)No.6191 of 2015 and the same was allowed on 22.04.2015 by directing the petitioner to resubmit the records along with all the documents required by the first respondent and in turn, the first respondent is directed to consider the same and pass orders thereon within a period of three weeks from the date of receipt of such documents.

5.In the meantime, the fourth respondent sent a communication to the third respondent in Na.Ka.No.1207/A/2014, dated 23.04.2015 along with the first respondent's letter dated 04.02.2015 and medical certificates with due recommendations by requesting the third respondent to get suitable orders from the second respondent for the sanction of the pensionary benefits. Since it has not been considered so, far, the petitioner is before this Court by filing this writ petition.



6. Taking into account the over all facts and circumstances of the case, the second respondent is directed to consider the representation of the petitioner dated 08.06.2015, taking into account the communication of the fourth respondent dated 23.04.2015 and also the communication of the first respondent dated 14.07.2015 and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order.

7. It is needless to mention that in case the petitioner is found aligible, the appropriate relief can be granted, without reference to the delay in making such request.

8. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal Accountant General,
(Accounts and Entitlements),
361, Anna Salai,
Chennai-600 018.

2. The Secretary,
Department of Public Library,
Secretariat,
Chennai.

3. The Director,
Directorate of Public Library,
Chennai-600 002.

4. The District Library Officer,
District Library Office,
Sivagangai District,
Sivagangai.

+1cc to Mr.A.Haja Mohaideen, Advocate SR.No.43500

+1cc to Special Government Pleader, Madurai Bench of
Madras High Court, Madurai. SR.No.43961

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