



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.12558 of 2011

WEB COPY

M.Gomathy Nayagam

...Petitioner

Vs.

1.The Director of Pension,
259, Annasalai, DMS Compound,
Teynempet, Chennai-6.

2.The Treasury Officer,
Treasury, Madurai-20.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle a sum of Rs.14,783/- along with interest at the rate of 18% per annum towards the petitioner's medical expenses by considering the petitioner's application dated 16.11.2009.

For Petitioner : Mr.K.A.Thirumalaiappan

For Respondents: Mr.M.Murugan

Govt. Advocate

ORDER

The petitioner has come up with this writ petition directing the respondents to settle a sum of Rs.14,783/- along with interest at the rate of 18% per annum towards the petitioner's medical expenses by considering the petitioner's application dated 16.11.2009.

2. The petitioner was joined the service in Thirunagar Village Panchayat on 01.08.1955 and worked as a clerk till 31.08.1969. The post of clerk was abolished and the petitioner was observed as a Sanitary Maesthiry without any break in service and he continued the said post till 30.06.1971. From 01.07.1971 he had been fixed with time scale of pay. He attained the age of superannuation on 30.03.1993 and the petitioner was given pension vide PPO No.A771207. The petitioner is receiving the pension without any break. While paying the pension, the respondents are making some statutory deductions towards the Pensioners Health Fund Scheme. The petitioner underwent cataract surgery in his left eye and made a claim to the respondents. After considering his claim, the respondents sanctioned a sum of Rs.7,125/- was paid by Cheque No.545005 dated 31.03.2009. Subsequently, he underwent cataract operation on the right eye also by spending Rs.14,783/-, he had paid this amount by borrowing from his relatives. He made an applications to the respondents claiming a sum of Rs.14,783/- even though the respondents have informed the petitioner by the proceedings dated 09.04.2010 in Na.Ka.No.18051/2009/M2 that cheque will be issued as per seniority basis, no cheque was issued to the petitioner. Therefore, the petitioner has filed the present writ petition for the relief stated supra.

<https://hcservices.courts.gov.in/hcservices/>
Mr.A.Thirumalaiappan, learned counsel for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

4. Though the writ petition is of the year 2011 the respondents have not filed any counter.

5. I have carefully considered the materials on record and affidavit filed by the petitioner and heard the arguments of the learned counsel for the petitioner and the respondents. The petitioner retired from service on 30.03.1993 after rendering 38 years of service. The petitioner is aged about 79 years. The second respondent by the proceedings dated 09.04.2010 informed the petitioner that the application of the petitioner has been forwarded to the first respondent and the first respondent would issue cheque on seniority basis. In view of this fact, the first respondent is directed to issue a cheque for the amount claimed by the petitioner within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observations, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Director of Pension,
259, Annasalai, DMS Compound,
Teynempet, Chennai-6.

2. The Treasury Officer,
Treasury, Madurai-20.

+1CC to M/s.D.Balamurugapandi, Advocate in SR.2495

+1CC to the Special Government Pleader in SR.3008

W.P. (MD) No.12558 of 2011
21.01.2015

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PBK 14/02/2015 ::2P-5C: