

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 26-08-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.32058 of 2014

S. Palaniswamy

... Petitioner

Vs.

1.The District Collector
Namakkal District
Namakkal.

2.The Divisional Excise Officer
Namakkal.

3.The Accountant-General (A & E)
Tamil Nadu, Chennai-18.

4.The Revenue Divisional Officer
Namakkal
Namakkal District.

... Respondents

(R4 is suo-motu impleaded as per
Order, dated 26.8.2016 by
M.J.J., in W.P.No.32058 of 2014)

Prayer : The writ petition is filed to issue a Writ of Mandamus, directing the respondents to sanction the incentive increments for passing the Account Test Part 1 and Super Grade increment for having completed 30 years of service and also promotion increment and to properly revise and refix the pay of the petitioner and to grant him all pensionary and retirement benefits consequent on his retirement on the afternoon of 30.04.2014.

For Petitioner

: M/s.M. Ravi

For Respondents Nos.1, 2 & 4 : Mr.K. Dhananjayan

Special Government Pleader

For Respondents No.3

: Mr.T. Ravikumar

O R D E R

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsels, appearing on behalf of the respondents.

2.This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents to sanction the incentive increments for passing the Account Test Part 1 and Super Grade increment for having completed 30 years of service and also promotion increment and to revise and refix the pay of the petitioner, properly, and to grant him all the pensionary and the retirement benefits.

3. The main contention of the learned counsel, appearing on behalf of the petitioner is that even though the petitioner has retired from service, as Special Revenue Inspector (Excise), on 30.4.2014, the pensionary benefits due to him have not been paid, till date.

4. A counter affidavit has been filed on behalf of the respondents, stating that the pensionary benefits had not been paid to the petitioner, as the necessary particulars relating to his service had not been furnished to the third respondent, by the authorities concerned.

5. Paragraph No.13 of the counter affidavit filed on behalf of the second respondent reads as under:-

"13. It is submitted, that the averment is made in a mischievous manner indicating the authorities themselves alone are responsible for not noting the entries in the service register and stated as an impediment on their part. In fact, had the writ petitioner could have very well checked the entries in his service register then and there, the deficiencies could have been set right.

In the circumstances stated in the foregoing paragraphs, since the writ petitioner having well known of the fact of the latches in his service register, without evincing any interest to set right the things, only at the fag end of his retirement has brought to the notice that too only on 27.2.2014 to settle the following items viz.

1.Sanction of periodical increments for the years 2011, 2012 and 2013 due to him.

2.Moving to the supertime scale for having completed 30 years of service on 9.11.2012.

3.Sanction of S.P.F. Final closure and G.P.F. and advance increment.

4.Pension and attendant benefits for having passed the Account Test Part-1.

Out of the items mentioned above items 1 and 3 have been conceded except the sanction advance increment for having passed Account Test Part-1.

With regard to item No.2 proposals have been submitted to the Revenue Divisional Officer, Namakkal, for ordering his move to super time in the category of Village Administrative Officer, with regard to item No.4 only on receipt of orders from the Revenue Divisional Officer, Namakkal his pay has to be fixed in the time scale and the increments accrued has to be sanctioned, arrears drawn and only after arriving at the fixation of pay, further action has to be taken to send his pension and other residuary benefits proposals with the least possible delay."

6. From the above averments made in the counter affidavit filed on behalf of the second respondent herein, this Court finds it appropriate to direct the fourth respondent to furnish the necessary service particulars of the petitioner, to the second respondent, after passing the necessary orders, in respect of the item Nos.2 and 4 as noted above, within a period of four weeks from the date of receipt of a copy of this order.

7. On receipt of such particulars, the second respondent shall forward the same to the third respondent, within a period of four weeks thereafter.

8. On receipt of the necessary particulars from the second respondent, the third respondent shall consider and pass appropriate orders by issuing an authorisation, for the payment of the pensionary, as well the retirement benefits, to the petitioner, as expeditiously as possible.

The writ petition is disposed of, with the above directions. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

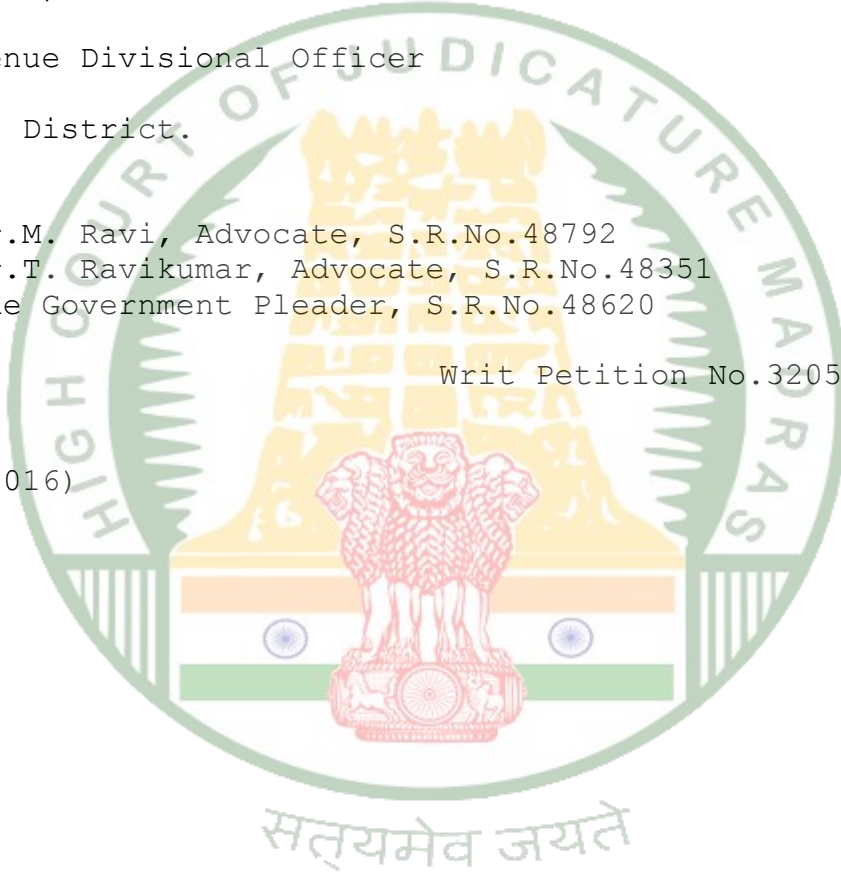
To

- 1.The District Collector
Namakkal District
Namakkal.
- 2.The Divisional Excise Officer
Namakkal.
- 3.The Accountant-General (A&E)
Tamil Nadu, Chennai-18.
- 4.The Revenue Divisional Officer
Namakkal
Namakkal District.

+1cc to Mr.M. Ravi, Advocate, S.R.No.48792
+1cc to Mr.T. Ravikumar, Advocate, S.R.No.48351
+1cc to the Government Pleader, S.R.No.48620

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CNR(CO)
CA(20/09/2016)



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