

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.40654 of 2015

P.Mani

...Petitioner

Vs

- 1.The Secretary to Government,
Revenue (Ser 2(1)) Department,
Secretariat,
Chennai 600 009.
- 2.The District Collector,
Salem, Salem District.
- 3.The Revenue Divisional Officer,
Salem, Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 14.11.2015 with regard to grant of retirement benefits to the petitioner within a stipulated time as fixed by this Court.

For Petitioner : Mr.M.Ramdass

For Respondents : Mr.M.E.Raniselvam

O R D E R

The case of the petitioner is that while he was working as Village Administrative Officer, Ammapettai, the first respondent issued a charge memo vide G.O.(2D) Ms.No.539 Revenue Department dated 16.09.2010 against the petitioner and 11 others, alleging that they have sanctioned old age pension to the ineligible person and thereby caused loss of Rs.15,600/- to the Government. Subsequently, the District Revenue Officer, Erode was appointed as enquiry officer in the year 2011, after completing his enquiry, he submitted his report. The petitioner was issued with second show cause notice for which he submitted his explanation on 11.04.2014. In the meanwhile, the petitioner attained the age of superannuation on 31.03.2014, however, he was not permitted to retire from service due to pendency of the disciplinary proceedings.

2.The petitioner would further state that the first respondent passed an order vide GO.(2D) No.489 Revenue (Ser-2 (3)) Department dated 31.08.2015 imposing punishment of cut in pension of Rs.500/- per month for a period of two years. But the petitioner has not filed any appeal or writ petition challenging the punishment. The petitioner made a representation dated 14.11.2015 requesting the respondents to disburse his terminal benefits, since, no order has been passed, the petitioner filed the present writ petition.

3.Heard the submissions of Mr.M.Ramadass, learned counsel appearing for the petitioner and M/s.M.E.Raniselvam, Additional Government Pleader who accepts notice on behalf of the respondents.

4.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider the representation of the petitioner dated 14.11.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Revenue (Ser 2(1)) Department,
Secretariat,
Chennai 600 009.

2.The District Collector,
Salem, Salem District.

3.The Revenue Divisional Officer,
Salem, Salem District.

+1cc to Mr.M. Ramadoss, Advocate, S.R.No.451
+1cc to the Government Pleader, S.R.No.258

VGI (CO)
EU(22/01/2016)

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