

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.2896 of 2016

P.Chellaiah

Petitioner

Vs

- 1 The Managing Director,
Tamilnadu Civil Supplies Corporation Ltd,
Head Office, 12, Thambusamy Road,
Kilpauk, Chennai-600 010.
- 2 The General Manager (Administration)
The Tamilnadu Civil Supplies Corporation Ltd
Head Office, 12, Thambusamy Road,
Kilpauk, Chennai-600 010.
- 3 The Regional manager
Tamilnadu Civil supplies Corporation Ltd.,
Regional office, Perambalur Region,
Duraimangalam, Trichy Main Road,
Perambalur District.

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to disperse the retirement benefits such as Special Provident Fund, Earned leave benefits and unearned leave benefits, arrears of dearness allowance, bonus and pensionary benefit by considering the representation of the petitioner dated 29.12.2015.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.L.P.Shanmuga Sundaram
Standing counsel.

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed for issuance of a writ of mandamus directing the Respondents to disperse the retirement benefits, such as, Special Provident Fund, Earned leave benefits and unearned leave benefits, arrears of dearness allowance, bonus and pensionary benefit by considering the representation of the petitioner dated 29.12.2015.

3. The petitioner would state that he entered the service in the Civil Supplies Corporation as Bill Clerk on 21.03.1975. While he was working as Junior Assistant (Special Grade) under the third respondent, he was implicated in a criminal case in Crime No.26 of 2008 for the alleged offence under Section 7 of the Prevention of Corruption Act, 1988. He was issued a charge sheet dated 08.04.2009 by the second respondent.

4. The petitioner would further state that when he was due to retire from service on 31.08.2009, he was retained in the service due to the pendency of the disciplinary proceedings. Eventually, he was dismissed from service by the order of the second respondent dated 25.01.2011. The same was confirmed by the first respondent on 26.08.2013.

5. The petitioner would contend that he received a sum of Rs.1,25,057/- and a sum of Rs.34,347/- towards the Provident Fund and Rs.6,841/- towards the Special Provident Fund of his contribution. But the other benefits were not paid and therefore, he made a representation dated 29.12.2015. Though it was received by the respondent on 31.12.2015 so far, no order has been passed. Hence, the present writ petition.

6. Heard the submissions of Mr.A.Nagarathinam, learned counsel appearing for the petitioner and Mr.L.P.Shanmuga Sundaram, learned Standing Counsel, who accepts notice on behalf of the respondents.

7. This Court, considering the submission of the learned counsel for the petitioner and without going into the merits of the case, directs the third respondent to consider the representation of the petitioner dated 29.12.2015 and pass appropriate 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.

The Writ Petition is disposed of accordingly. No costs.

sms

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

- 1 The Managing Director,
Tamilnadu Civil Supplies Corporation Ltd,
Head Office, 12, Thambusamy Road,
Kilpauk, Chennai-600 010.
 - 2 The General Manager (Administration)
The Tamilnadu Civil Supplies Corporation Ltd
Head Office, 12, Thambusamy Road,
Kilpauk, Chennai-600 010.
 - 3 The Regional manager
Tamilnadu Civil supplies Corporation Ltd.,
Regional office, Perambalur Region,
Duraimangalam, Trichy Main Road,
Perambalur District.
- + 1 cc to Mr.A.Nagarathinam, Advocate SR 5142
- + 1 cc to Mr.C.P.shanmugasundaram, Advocate SR 5272

skv(co)
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W.P.No.2896 of 2016

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