

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.31079 of 2016

G.Rathinam

... Petitioner

Vs.

1 The Tamil Nadu Housing Board,
Represented by its Managing Director,
493, Anna Salai, Chennai – 600 035.

2 The Tamil Nadu Housing Board,
Coimbatore Housing Unit,
Tatabad, Gandhipuram,
Coimbatore – 641 012 Represented
by its Executive Engineer & Administrative Officer.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the pension and all other pensionary benefits accrued to the petitioner on her retirement on 30.04.2012 with interest at 18% per annum for belated payment.

For Petitioner : Mr.N.S.Nandakumar

For Respondents : Mr.V.Anandhamoorthi

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents to settle the pension and all other pensionary benefits accrued to the petitioner on her retirement on 30.04.2012 with interest at 18% per annum for belated payment.

3.The petitioner was appointed as NMR with effect from 01.09.1979 and joined as Clerk in the Special Division of Tamil Nadu Housing Board, Coimbatore 641 021 of the second respondent and was continuously working without any break. Whiles, the respondents vide proceedings dated 16.02.1985, discharged the petitioner from work with effect from 13.02.1985. Challenging the same, the petitioner filed W.P.No.4603 of 1985 with consequential prayer to regularize her service and for consequential benefits and this Court vide order dated 28.09.1994, allowed the writ petition. Aggrieved by the said judgment, the respondents filed W.A.No.419 of 1996 and the same was dismissed on 17.07.2002 and the SLP.No.2876 of 2003 filed by the respondents, was also dismissed by the Hon'ble Apex Court on 17.10.2003.

4.Thereafter, the petitioner vide Memo.No.PNT.2/20147/04 dated 31.03.2004, was reinstated in service with effect from 27.10.2004 as Masoor as on 07.12.1988 and the petitioner was re-

designated as Work Assistant with effect from 13.07.2000. Even thereafter, the respondents upheld the reinstatement for about a year. Hence, she made representation dated 06.10.2004 and vide proceedings dated 20.10.2014 of the first respondent, the petitioner was reinstated in service and she joined duty on 27.10.2004.

5. Thereafter, the petitioner applied for voluntary retirement with effect from 30.04.2012 and vide proceedings dated 27.04.2012, her voluntary retirement was accepted. The petitioner after her voluntary retirement submitted her application for Pension, Family Pension, Death Cum Retirement Gratuity and Commuted Pension with necessary documents to the respondent through proper channel on 30.05.2012 and since no response is forthcoming, has also sent a legal notice dated 09.08.2016 to the respondents, but the same has not been considered so far. Hence, left with no other alternative, the petitioner has come forward with the present writ petition.

6. Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel who takes notice for the respondents.

7.Considering the submissions made on either side, this Court without going into the merits of the claim made by the petitioner, directs the respondents to consider the application/ representation submitted by the petitioner for pension and the legal notice dated 09.08.2016, on merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of accordingly. No costs.

16.09.2016

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Index: Yes/ No

Internet: Yes/ No

To

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R.SUBBIAH,J.

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