

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 20.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32005 of 2016

C.Raghupathy

... Petitioner

-vs-

1.The Commissioner,
Chennai City Municipal Corporation,
Ripon Buildings,
Chennai - 600 003.

2.The Director of Local Fund Accounts,
Kuralagam, Chennai - 600 108.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to pass appropriate orders on the representation of the petitioner dated 19.08.2016 requesting the first respondent to release the DCRG amount as already approved by the Director of Local Fund in his proceedings dated 13.06.2013 and also to direct the respondent to pay interest on the belated payment of DCRG amount from 01.07.2013 till the date of payment, as provided under the Tamil Nadu Pension Rules, 1978, within a reasonable period which may be fixed by this Court.

For Petitioner :Mr.T.Ranganathan

For Respondent No.1 :Mr.G.Anantharangan

For Respondent No.2 :Mr.P.Rajeswaran

सत्यमेव जयते
Special Government Pleader

O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider his representation dated 19.08.2016 with regard to release the DCRG amount as already approved by the Director of Local Fund in his proceedings dated 13.06.2013 and also to direct the first respondent to pay interest on the belated payment of DCRG amount from 01.07.2013 till the date of payment, as provided under the Tamil Nadu Pension Rules, 1978, within a reasonable period which may be fixed by this Court.

2.It is the case of the petitioner that he was appointed as Surveyor in the Chennai City Municipal Corporation through the Employment Exchange. He was promoted as Junior Engineer in the year 1979 and subsequently, promoted as Assistant Executive Engineer in the year 2009. While so, he reached the age of superannuation on 30.06.2013 and he was permitted to retire from service as Assistant Executive Engineer by the first respondent. According to the petitioner, after the retirement, the first respondent has not released the DCRG amount of Rs.10 lakhs, which is sanctioned to him by the second respondent in his letter dated 13.06.2013. In this regard, the petitioner made several representations and finally, the representation dated 19.08.2016 to the first respondent to release the DCRG amount. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

3.I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent as well as the learned Special Government Pleader appearing for the second respondent.

4.Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 19.08.2016 seeking to release the DCRG amount as already approved by the Director of Local Fund in his proceedings dated 13.06.2013 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. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The Writ Petition is disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

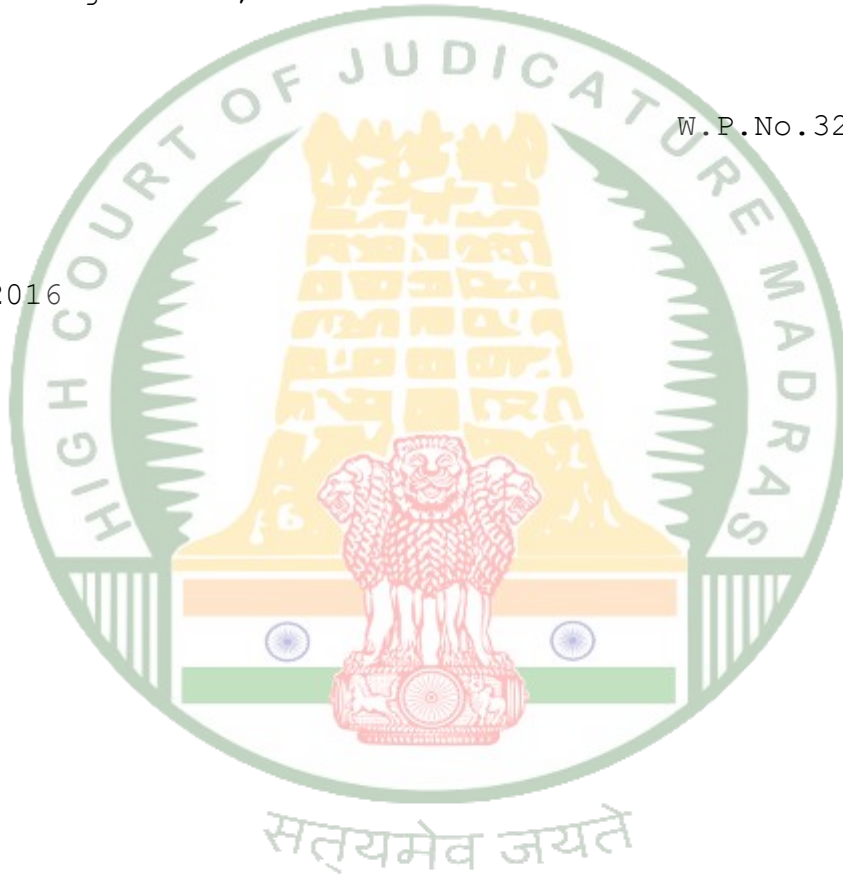
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+1cc to Mr.Ranganathan, Advocate Sr.53134

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