

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.33723 of 2016

M.Jaikumar

... Petitioner

vs.

1.The Chairman,
Chennai Port Trust,
Chennai-1.

2.The Chief Medical Officer,
Chennai Port Trust,
Chennai-1.

... 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 grant retirement benefits and Ex-gratia amounts as per the Special Voluntary Retirement Scheme Circular dated 6.8.2012 in No.IR3/1002/2011/GA to the petitioner.

For Petitioner : Mr.S.Gunaseelan
For Respondents : Mr.M.Palanimuthu

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to grant retirement benefits and Ex-gratia amounts as per the Special Voluntary Retirement Scheme Circular dated 6.8.2012 in No.IR3/1002/2011/GA.

3. It is the case of the petitioner that he joined service as First Aider in the respondent concern on 5.7.1991 and subsequently, he was promoted as leading First Aider in the year 1999. On 6.8.2012, the respondent introduced Circular No.IR3/1002/2011/GA pertaining to Special Voluntary Retirement Scheme for the year 2012 for the officers and employees. Since the petitioner is eligible for said scheme and all the conditions laid down are applicable to him, he applied for the same. However, on 1.2.2014, the Chief Medical Officer of the

second respondent sent a letter stating that due to shortage of staff in the category of First Aider, the request of the petitioner for acceptance of Special Voluntary Retirement Scheme cannot be considered. Hence, on 10.2.2014, the petitioner sent a letter to the respondents to accept his resignation due to his family problem. Thereafter, the second respondent sent a letter dated 17.5.2015 stating that his resignation has been accepted and he was relieved from service on 10.2.2014. After retirement, he was paid the benefits of ordinary Voluntary Retirement Scheme and not the benefits of Special Voluntary Retirement Scheme. Due to the act of the respondents, the petitioner is not able to get his benefits. In this regard, he sent a representation dated 18.8.2014 to the first respondent and the first respondent sent a reply on 8.7.2015 stating that he was relieved only on normal Voluntary Retirement Scheme. Hence, the petitioner has come up with the present writ petition, seeking a direction to the the first respondent to grant retirement benefits and Ex-gratia amounts as per the Special Voluntary Retirement Scheme Circular dated 6.8.2012 in No.IR3/1002/2011/GA.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to send a fresh representation along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representation seeking retirement benefits and Ex-gratia amounts as per the Special Voluntary Retirement Scheme Circular dated 6.8.2012 in No.IR3/1002/2011/GA and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. 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.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

sbi

To

1.The Chairman,
Chennai Port Trust,
Chennai-1.

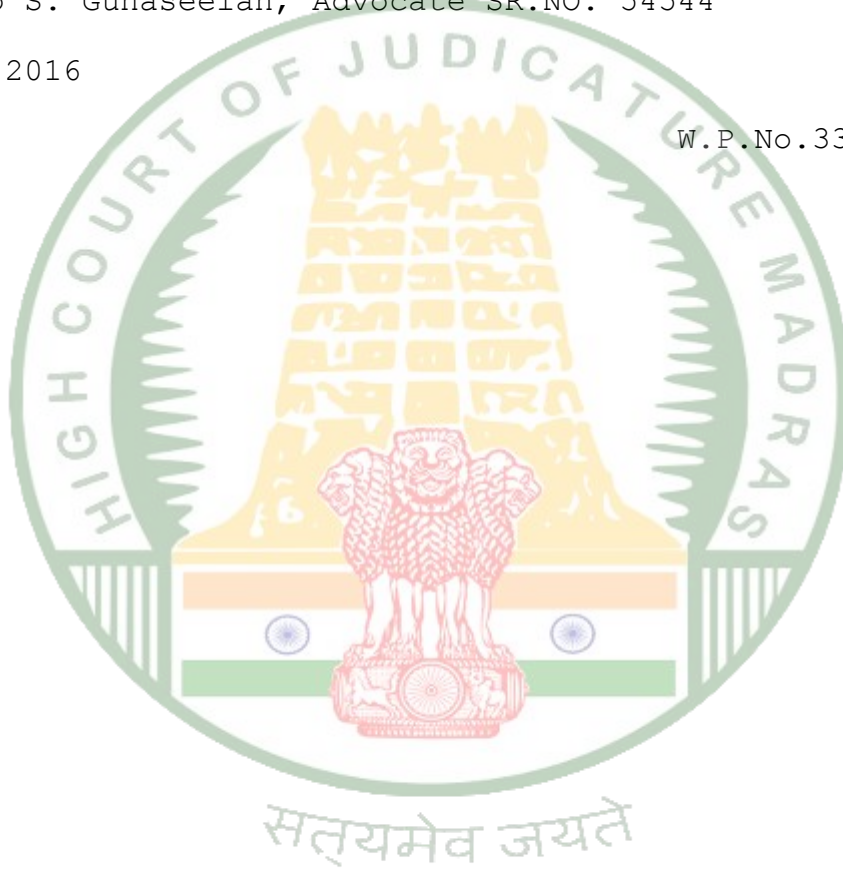
2.The Chief Medical Officer,
Chennai Port Trust,
Chennai-1.

+1 c.c. To M. Palanimuthu, Advocate SR.NO. 55297

+1 c.c. To S. Gunaseelan, Advocate SR.NO. 54544

MMP 22.10.2016

W.P.No.33723 of 2016



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