

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.35787 of 2016

M.Porutselvi

... Petitioner

Vs.

1 The Director of Social Welfare,
No158, Arunachalam Street,
Chintadripet, Chennai-2.

2 The District Social Welfare Officer,
Office of the Collectorate,
Krishnagiri.

3 The Accountant General (A&E),
Tamil Nadu, Chennai-18.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to forward the petitioner's revised pension proposal dated 02.12.2015 to the third respondent herein within a stipulated time as deemed fit and proper by this Honourable Court.

For Petitioner : Mr.Ravi Shanmugam

For Respondents : Mr.N.Srinivasan

Additional Government Pleader

ORDER

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

2.The present writ petition has been filed seeking a Mandamus directing the second respondent herein to forward the petitioner's revised pension proposal dated 02.12.2015 to the third respondent herein within a stipulated time as deemed fit and proper by this Court.

3.The petitioner would state that she joined the services as Balasevika on 21.08.1978 under consolidated pay and was posted as Gramasevika in the regular service on 25.02.1987. She was promoted as Extension Officer on 14.05.2003 and she was due for retirement on 31.01.2012. Whiles, the Commissioner, Tribunal for Disciplinary Proceedings, Coimbatore had formulated charge against the petitioner on 04.02.2011 and the first respondent placed her under suspension on 30.01.2012. Thereafter, the Director of Social Welfare, Chennai accepted the findings of the Enquiry Officer and vide proceedings dated 23.10.2013, exonerated the petitioner from the TDP charges. On 23.11.2013, the first respondent revoked the petitioner's suspension order and allowed her to retire from service with effect from 31.01.2012 and on 08.09.2014, the period of suspension was

regularized.

4.The petitioner would further state that the Joint Director (Admn.) Chennai vide proceedings dated 30.10.2015, ordered condonation of break in service of one day and also ordered 50% of consolidated pay service as Balasevika to be taken as qualifying service for the purpose of pension. Though the said order was passed as early as on 30.10.2015, till date, the petitioner's pension papers are pending in the office of the second respondent due to the administrative lapse on the part of the second respondent. The petitioner preferred a representation dated 21.06.2016 to the second respondent to send the revised pension proposal to the third respondent, but the same is pending. Hence, left with no other alternative, the petitioner has come forward with this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondents.

6.Considering the submissions made on either side and without going into the merits of the case, this Court directs the second respondent to consider the petitioner's representation dated

21.06.2016, on merits and in accordance with law and to send the revised pension proposal of the petitioner by taking into account the service rendered by the petitioner as Balasevika from 21.08.1978 to 25.02.1987 to the third 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 third respondent is directed to pass appropriate orders, within a period of two weeks thereafter.

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

07.10.2016

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Index: Yes/ No

Internet: Yes/ No

To

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R.SUBBIAH,J.

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