

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37597 of 2016

B.Balakrishnan

... Petitioner

Vs

1. The Director
Directorate of Technical Education
Guindy, Chennai-600 025.
2. The Principal
Institute of Printing Technology
Taramani, Chennai-600 113.
3. The Accountant General
DMS Complex
Teynampet, Chennai-600 018.
4. The Pay and Accounts Officer
O/o. Pay and Accounts (Chennai South)
Nandanam, Chennai-600 035.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to grant retirement benefits such as Pension, Provident Fund, Gratuity and all other attendant benefits to the petitioner forthwith by considering the representation made by the petitioner dated 9.5.2016 within the time to be stipulated by this Honourable Court.

For Petitioner : Mr.R.Chandrasekaran

For Respondents : Mr.O.Selvam.
Government Advocate, for R1

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to grant retirement benefits such as Pension, Provident Fund, Gratuity and all other attendant benefits forthwith by considering the representation

made by him dated 9.5.2016 within the time to be stipulated by this Court.

2. It is the case of the petitioner that he was appointed as Waterman on 30.6.1986 in the second respondent institution on temporary basis. His name was sponsored through District Employment Exchange, Chennai. Subsequently, his service was regularized in the said post with effect from 30.6.1987 and thereafter, he was appointed to the post of Mazdoor Grade-II. Totally, the petitioner had put in 30 years of service. While so, the second respondent issued an order dated 7.3.2016 relieving the petitioner from service from 30.6.2014 with retrospective effect, stating that the post of Mazdoor Grade-II is the superior service post, as per which, the date of retirement of the service of the petitioner should have been on 30.6.2014. Though the petitioner was relieved from service on 30.6.2014, his retirement benefits such as pension, provident fund, gratuity and other benefits have not been sanctioned. In this regard, he sent a representation dated 9.5.2016 to the respondents. But, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the first respondent. In view of the limited order to be passed hereunder, this Court is of the opinion that notice is not necessary to the respondents 2 and 3.

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 9.5.2016 seeking retirement benefits such as Pension, Provident Fund, Gratuity and all other attendant benefits, and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing 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/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbi

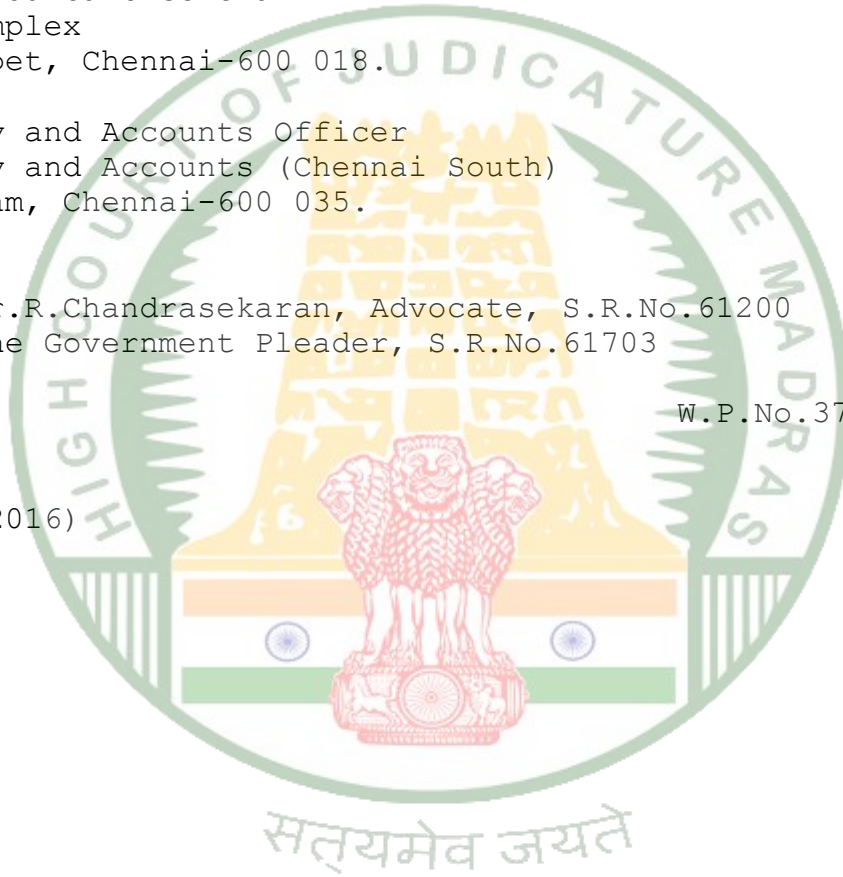
To

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+1cc to Mr.R.Chandrasekaran, Advocate, S.R.No.61200
+1cc to the Government Pleader, S.R.No.61703

W.P.No.37597 of 2016

SCD(CO)
CA(16/11/2016)



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