

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40553 of 2016

G.Thirumurugan

... Petitioner

vs.

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai- 600 009.
2. The Director,
Rural Development Panchayat Raj,
Panagal Building,
Saidapet, Chennai -600 015.
3. The District Collector,
(Development Division),
Cuddalore District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the petitioner's representation dated 03.03.2016 to award interest at the rate of 12% of the delayed payment of pension to the value of Rs.12,33,380/-, in accordance with the direction of the 3rd respondent dated 09.03.2016 in Na.Ka.No.15110/2016/G.E.2.3.

For Petitioner : Mr.R.Suresh Kumar
For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

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 respondents to consider the petitioner's representation dated 03.03.2016.

3. It is the case of the petitioner that he has worked as a Block Development Officer in Rural Development and

Panchayat Raj Department, Cuddalore. He was issued a memo in PAI No.9934/2009 dated 29.04.2010 stating that he had committed certain irregularities in Mahatma Gandhi Rural Employment Guarantee Scheme, AGMT, General Fund and State Finance Commission as per audit report objections in the year 2007-08 and 2008-09. Subsequently, he was placed under suspension by orders dated 29.04.2010 and 30.04.2010 and not permitted to retire from service on 30.04.2010. Thereafter, an enquiry was initiated by the first respondent and after completion of enquiry, by proceedings of the enquiry officer in R.O.C. P.A.I.No.9934/2009 dated 11.08.2014 and 09.09.2014, the charges have dropped and the first respondent passed a final order, thereby the petitioner was allowed to retire from service on the date of superannuation (i.e.) on 30.04.2010. He was sanctioned pension from May 2010 with full settlement of retirement benefits during the year 2015.

4. Hence, the petitioner made a representation dated 03.03.2016 to the respondents to pass order for delayed payment to the petitioner retirement benefit amount as per the G.O.Ms.No.122 dated 20.02.1995 at the rate of interest at 12% per annum. Considering the same, the second respondent passed an order in Na.Ka.No.15110/2016/G.E.2.3 dated 09.03.2016 directed the third respondent to pass appropriate order under the Tamil Nadu Pension Rules 1978 Rule 45(A). But, till date no action has been taken. Hence, the petitioner has come up with the present writ petition for the relief set out earlier.

5. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court, without going into the merits of the claim of the petitioner, directs the respondents to consider the representation of the petitioner dated 03.03.2016 with regard to award interest at the rate of 12% of the delayed payment of pension of Rs.12,33,380/-, in accordance with the direction of the 3rd respondent dated 09.03.2016 in Na.Ka.No.15110/2016/G.E.2.3, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

mrp

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

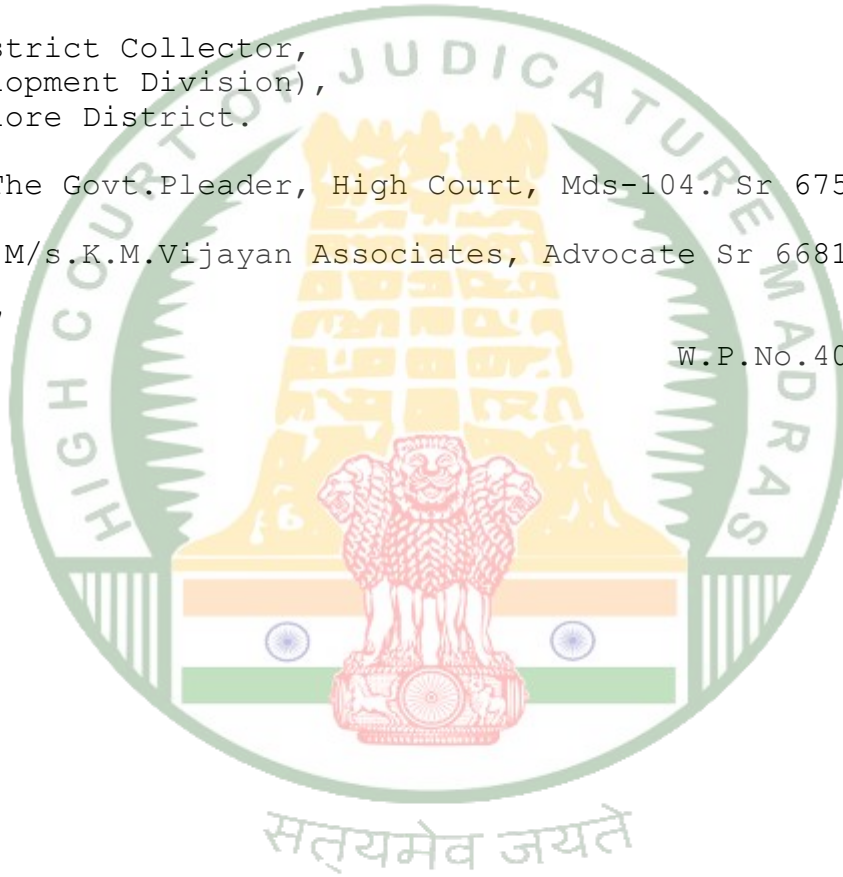
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Cuddalore District.

+ 1 c to The Govt.Pleader, High Court, Mds-104. Sr 67527

+ 1 cc to M/s.K.M.Vijayan Associates, Advocate Sr 66815

KR/19/1/17

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