

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41618 of 2016

E.Savarimuthu

...Petitioner

vs.

1. The Director,
Social Welfare Department,
Guindy Industrial Estate,
Chennai-32.
2. The Director,
Integrated Child Development Project,
Tharamani, Chennai-113.
3. The Child Development Officer,
15, Jinnah Nagar,
Achirupakkam,
Kancheepuram District.

...Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 3rd respondent to take appropriate action considering the representation of the petitioner dated 24.10.2016 and to pay the retirement benefits such as Pension, Commutation, Gratuity and benefits of Earned and Unearned Leave benefit and other retirement benefits payable to the petitioner with interest at the rate of 12% from the date of retirement.

For Petitioner : Mr.P.Nagaraju

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

ORDER

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

2. The Writ Petition has been filed to issue a Writ of Mandamus, directing the 3rd respondent to take appropriate action considering the representation of the petitioner dated 24.10.2016 and to pay the retirement benefits, such as, Pension, Commutation, Gratuity and benefits of Earned and Unearned Leave benefit and other retirement benefits payable to the petitioner with interest at the rate of 12% from the date of retirement.

3. The case of the petitioner is that he joined the service as Watchman on temporary basis as per employment seniority on 02.05.1983 in the Office of the District Social Welfare Office at Kancheepuram. Thereafter, he was appointed as Office Assistant on permanent basis on 01.08.1984 and he was granted Special Grade in the said post and subsequently, he was promoted to the post of Junior Assistant on 27.12.2005 and the same was regularised on 17.09.2009. After serving 32 years, the petitioner retired from service on 30.06.2014 on attaining the age of superannuation and he was permitted to retire by the 1st respondent by a letter dated 20.06.2014 and accordingly, he was relieved from service on 30.06.2014 by the 3rd respondent.

4. It is the further case of the petitioner that he has submitted his pension proposal to the 3rd respondent even much prior to the date of his retirement and awaiting for orders from the A.Gs. Office. But, on enquiry, it came to light that they have not received the pension proposal of the petitioner from the 3rd respondent. In this regard, the petitioner made a representation to the respondents 2 and 3. Thereafter, the petitioner caused a legal notice to all the respondents. On receipt of the same, the respondents 1 and 2 directed the 3rd respondent to send the pension proposal of the petitioner.

5. While so, on 12.04.2016, the 3rd respondent called the petitioner for enquiry on the basis of a letter received from one Jaya. The petitioner submitted his oral and written explanation to the Enquiry Officer. Since thereafter no action has been taken, the petitioner sent another representation dated 12.09.2016 to all the respondents. On receipt of the same, the 3rd respondent sent a letter dated 28.06.2016 containing incorrect averments. The petitioner sent a detailed reply dated

28.06.2016 to the 3rd respondent. Thereafter, the 2nd respondent sent a letter to the 3rd respondent dated 08.11.2016 directing him to take steps to grant pension to the petitioner and sent report in this regard. In the meanwhile, the petitioner also sent a representation dated 24.10.2016 to the 3rd respondent. But, so far no action has been taken on the same. Hence the present Writ Petition.

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

7. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a copy of the representation dated 24.10.2016 along with a copy of this Order to the 3rd 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 3rd respondent is directed to consider and pass orders on the same 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 regarding the claim of the petitioner. It is for the 3rd respondent to decide the same on merits.

8. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar

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To

1. The Director,
Social Welfare Department,
Guindy Industrial Estate,
Chennai-32.

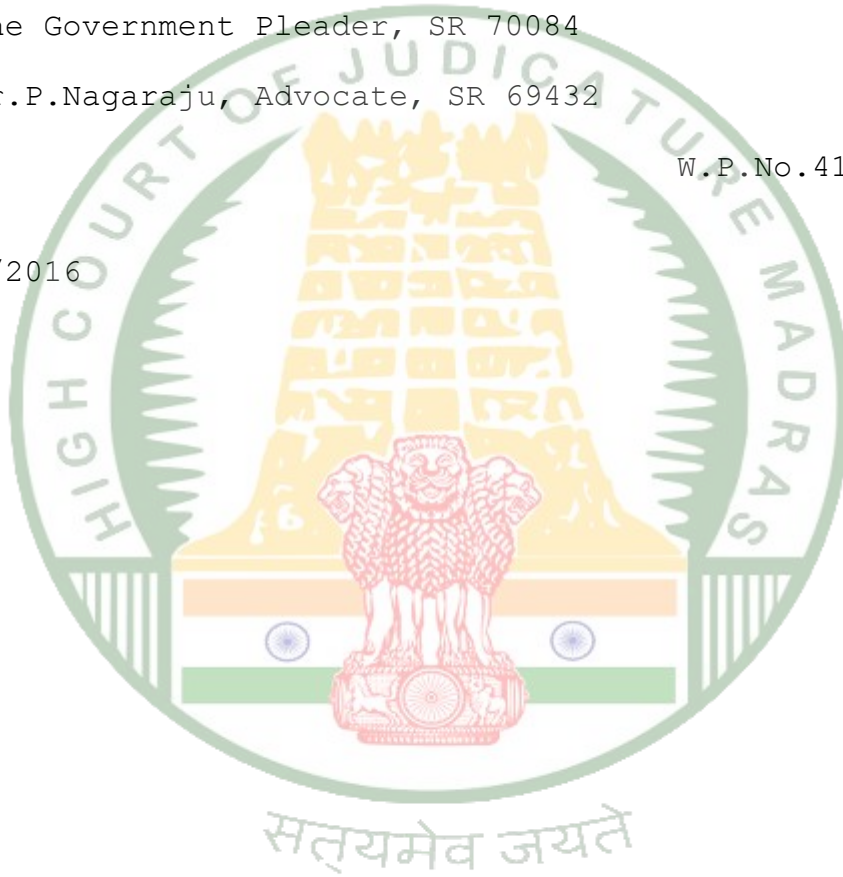
2. The Director,
Integrated Child Development Project,
Tharamani, Chennai-113.
3. The Child Development Officer,
15, Jinnah Nagar,
Achirupakkam,
Kancheepuram District.

+1CC to The Government Pleader, SR 70084

+1CC to Mr.P.Nagaraju, Advocate, SR 69432

W.P.No.41618 of 2016

VD(CO)
PSI 30/12/2016



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