



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.13614 of 2016

K.Balasubramanian

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai.

2.The Commissioner,
Tenkasi Municipality,
Tenkasi, Tirunelveli District.

3.The Director of Local Fund Audit,
Kuralagam, 4th Floor,
Chennai-600 108.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents 2 and 3 to disburse the terminal benefits of the petitioners father viz.difference in DCRG, difference in commuted value of pension, pension arrears from the period from 01.01.2007 to 24.11.2010, the pension amount for the month of November 2010 and family welfare fund authorized by the 2nd respondent in proceedings No.Nee.Mu.No.46062/NaOsa(3)/2009 dated 14.09.2010 and based on the proposal sent by the 3rd respondent in Na.Ka.No.678/2016/H1, dated 11.02.2016, within the time frame fixed by this Court.

For petitioner : Mr.M.Saravanan

For R.1&3 : Mr.G.Muthukannan, Government Advocate.

For R.2 : Mr.Athimoolapandiyan

ORDER

Mr.K.Balasubramanian, son of Late.Kumaravel, has come to this Court seeking the terminal benefits of his father.

<https://hcservices.ecourts.gov.in/hcservices> The case of the petitioner is that the his father was working as Office Assistant and retired from service, peacefully, on attaining the age of superannuation. Subsequently, the

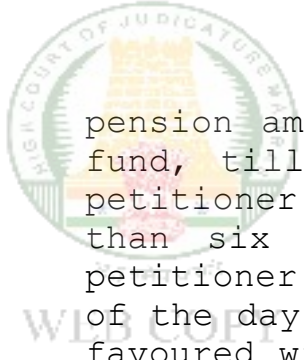


terminal benefits such as DCRG, commuted value of pension and other benefits, were given to the petitioner's father. While so, the Government implemented recommendations of the sixth pay commission and revised the pay scales of all employees working in the local bodies including the second respondent herein. Accordingly, as per the recommendations of the sixth pay commission, the second respondent has sent a proposal for revising the terminal benefits of the petitioner's father. By an order in Nee.Mu.No.46062/NaOsa(3)/2009, dated 14.09.2010, the third respondent has also revised the terminal benefits of the petitioner's father and authorized him to receive the revised terminal benefits through his proceedings No.Nee.Mu.No.46062/NaOsa (3)/2009 dated 14.09.2010. In other words, the third respondent has authorised the petitioner's father to receive the difference in DCRG, commuted value of pension, arrears of pension etc.,. However, unfortunately, before receiving the benefits of the third respondent, dated 14.09.2010, the father of the petitioner died on 24.11.2010, leaving the petitioner and other legal heirs. Though already order has been passed in the year 2010, since the amount alone has not been disbursed to the petitioner, he is before this Court.

3. Mr.M.Saravanan, learned Counsel appearing for the petitioner submitted that though the third respondent has passed the orders in favour of the petitioner way back in the year 14.09.2010, till date, disbursement of amount have not been taken place, despite the fact that the petitioner's has already given consent letter dated 12.07.2011 from other legal heirs authorising the petitioner to receive the entire benefits of his father. Hence, he seeks a direction from this Court to disburse the benefits of his father.

4. Mr.G.Muthukannan, learned Government Advocate accepts notice for R.1 and R.3 and Mr.Athimoolapandiyan accepts notice for R.2. On instruction from the third respondent, the learned Government Advocate submitted that the benefits of the petitioner's father will be settled in due course.

5. It is seen that subsequent to the death of the father of the petitioner, though series of representations have been sent by the petitioner claiming the terminal benefits of the petitioner's father and the same has also been acknowledged by the respondents way back in the year 2012 itself by revising the terminal benefits, on the basis of the sixth pay commission's recommendations and more particularly, the third respondent as well as the second respondent have already passed the orders in favour of the petitioner's father through their proceedings No.Nee.Mu.No.46062/NaOsa(3)/2009 dated 14.09.2010 and No.Nee.Mu.No.67862/2016/H1, dated 11.02.2016 extending the benefits such as difference in DCRG, difference in commuted value of pension, pension arrears from the period from 01.01.2007 to 24.11.2010, the



pension amount for the month of November 2010 and family welfare fund, till date, the amount alone has not been disbursed to the petitioner driving the petitioner to approach this Court. More than six years have gone by since the date of death of the petitioner's father. Still, the petitioner has not seen the light of the day. When the second and the third respondents have already favoured with the petitioner by passing necessary orders, there is no embargo for the respondents to disburse the amount to the petitioner herein.

6. Considering the fact that the matter has been kept pending for more than six years, without any rhyme or reason, and without any further loss of time, the respondents are hereby directed to disburse all the benefits to the petitioner, as claimed in this Writ Petition, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai.
- 2.The Commissioner,
Tenkasi Municipality,
Tenkasi, Tirunelveli District.
- 3.The Director of Local Fund Audit,
Kuralagam, 4th Floor,
Chennai-600 108.

+1CC to M/S.R.Subramanian, Advocate, SR.No. 40951
+1CC to the Special Government Pleader, SR.No. 40905

W.P (MD) .No.13614 of 2016

01.08.2016

ssm