



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.18599 of 2016

A.Arangaraj

... Petitioner

vs.

1)The Director,
O/o. Directorate Local Fund Audit,
(Municipal Pension),
4th Floor, Kuralagam,
Chennai.

2)The Assistant Director,
O/o. Directorate Local Fund Audit,
(Municipal Pension),
4th Floor, Kuralagam,
Chennai.

3)The Commissioner,
Thanjavur Corporation,
Thanjavur.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondent to pay the petitioner's pension arrears and Death Cum Retirement Gratuity with interest, as accordance with Rules, without deducting the sum of Rs.1,03,589/- in the petitioner's Death Cum Retirement Gratuity, by disposing my representation dated 05.09.2016 within a time to be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.M.Alagadevan,
Special Government Pleader

ORDER

This Writ of Mandamus has been filed to direct respondents 1 and 2 to pay the petitioner's pension arrears and Death Cum Retirement Gratuity with interest in accordance with the Rules, without deducting Rs.1,03,589/- in the petitioner's Death Cum



Retirement Gratuity, by disposing of his representation dated 05.09.2016 within a time frame.

2.The petitioner after completing 25 years of service, retired on 30.06.2013 on attaining the age of superannuation; thereafter, by letter dated 10.08.2016, the 2nd respondent has called upon the petitioner to give his consent letter for effecting deduction of Rs.1,03,589/- from his retirement benefits, stating that his pension was originally fixed at Rs.4001/- after deducting for commutation, but due to discrepancy in fixing the pension on his salary instead of Rs.4200/-, it was wrongly fixed as Rs.4400/-; pursuant thereto, the petitioner has made a representation dated 08.09.2016 to the 1st respondent; that representation was not considered and therefore, the petitioner has filed this writ petition.

3.It is the contention of the learned counsel for the petitioner that without giving a detailed order as to how a sum of Rs.1,03,589/- is liable to be deducted from the DCRG and also without furnishing calculation for the deduction, it is not proper on the part of the respondents to effect deduction from the DCRG of the petitioner and therefore, he seeks a direction to the 1st respondent to consider the representation of the petitioner dated 08.09.2016 and to pass orders.

4.The learned Special Government Pleader appearing for the respondents would submit that it is agreeable for the 1st respondent to consider the representation of the petitioner dated 08.09.2016 and to pass orders.

5.Recording the above submission, this Writ Petition is disposed of directing the 1st respondent to consider the representation of the petitioner dated 08.09.2016 and to pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To
1)The Director,
O/o. Directorate Local Fund Audit,
(Municipal Pension),
4th Floor, Kuralagam,



2) The Assistant Director,
O/o. Directorate Local Fund Audit,
(Municipal Pension),
4th Floor, Kuralagam,
Chennai.

3) The Commissioner,
Thanjavur Corporation,
Thanjavur.

+1 cc to MR.R.SURIYANARAYANAN, Advocate Sr.No.57825

+1 cc to Special Government Pleader Sr.No.57911

W.P (MD) No.18599 of 2016
29.09.2016

SMA/SKS-RR/21.10.2016:3P/6C