



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.12.2016
CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.23110 of 2016

S.R.Premnath

: Petitioner

Vs.

1.The Commissioner,
Madurai Corporation, Madurai.

2.The Deputy Director,
Local Fund Audit,
Corporation Audit Department,
Madurai Corporation, Madurai - 2.

3.The Asst. Commissioner (Accounts),
Madurai Corporation Central Office,
Anna Maaligai, Thallakulam,
Madurai - 625 002.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to consider the representation dated 24.08.2016 of the petitioner and forthwith pay the petitioner a sum of Rs.1,79,192/- towards commutation of pension, which was deducted from the arrears of petitioner's pension amount and pay interest at the rate of 12% p.a. on the amount of 11,73,298/- paid for the period 01.02.2011 up to 31.05.2015.

For Petitioner	: Mr.AL.Gandhimathi
For Respondent No.1	: Mr.T.S.Mohammed Mohideen, Additional Government Pleader.
For Respondents 2 and 3	: Mr.A.T.Balarathinakumar

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 24.08.2016 of the petitioner and to pay the petitioner a sum of Rs.1,79,192/- towards commutation of pension, which was deducted from the arrears of petitioner's pension amount and to pay interest at the rate of 12% p.a. on the amount of 11,73,298/- paid for the period from 01.02.2011 to 31.05.2015.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader, who took notice for the



first respondent and the learned counsel, who took notice for the respondents 2 and 3. By consent, the writ petition itself is taken up for final disposal.

3. The case of the petitioner is that the petitioner was working as Superintendent in Madurai Corporation and he retired from service on 31.01.2011. On 31.01.2011, he was served with an order of retirement by the Assistant Commissioner, Western Region, Madurai Corporation, stating that he was allowed to retire, without prejudice to the departmental proceedings to be initiated by the respondent Corporation. There was no departmental proceedings pending against the petitioner. Therefore, he made repeated representations stating that there were no departmental proceedings or any criminal charges pending against him. Since the same was not considered, he filed a writ petition in W.P(MD) No.9252 of 2011, wherein, this Court directed the first respondent herein to consider his representation and pass appropriate orders, if no disciplinary proceedings or charges/investigation/trial is pending, as contended by the petitioner. Thereafter, he again made a representation to the first respondent on 20.09.2011, seeking disbursement of pension and other service benefits.

3.1. In view of the same, the third respondent, by the proceedings, dated 02.11.2011, ordered that a minimum basic pension shall be paid as temporary pension and as such it was directed to pay sum of Rs.43,206/- as arrears of temporary pension for the period from 01.02.2011 to 30.10.2011.

3.2. Subsequently, on 29.12.2011, the first respondent served a memorandum of charges and the petitioner sent explanation and thereafter the enquiry officer dropped the departmental proceedings.

3.3. Thereafter, the third respondent passed an order directing to pay 75% of the total pension to the petitioner, which was due and payable to the petitioner with effect from 01.11.2013 only. On the representation given by the petitioner, the respondents 2 and 3 directed the first respondent to pay the pensionary benefits to the petitioner w.e.f. 01.02.2011. However, commuted pension only has been granted to the petitioner. Claiming those benefits, the petitioner has submitted a representation dated 24.08.2016 to the first respondent and another representation dated 10.08.2016 to the third respondent. Since the same have not been considered, this writ petition has been filed.

4. The learned Additional Government Pleader would submit that it is agreeable for the first respondent to consider the representation of the petitioner and to pass appropriate orders within a period of four weeks.



5. Recording the submission made by the learned Additional Government Pleader for the first respondent, the first respondent is directed to consider the representation of the petitioner dated 24.08.2016, in the light of the fact that the departmental proceedings initiated against the petitioner had been dropped and to pass orders on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Madurai Corporation,
Madurai.
2. The Deputy Director,
Local Fund Audit,
Corporation Audit Department,
Madurai Corporation, Madurai - 2.
3. The Asst. Commissioner (Accounts),
Madurai Corporation Central Office,
Anna Maaligai, Thallakulam,
Madurai - 625 002.

+1cc to M/s.AL.Ganthimathi, Advocate Sr.No.78192

ORDER MADE IN
W.P (MD) No.23110 of 2016
01.12.2016

smn
rum/ck/04.01.2017/3p/5c