



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2016

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.23834 of 2016

A.Gabriel Sammanasu

...Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Chennai-600 009.
2. Tamil Nadu Housing Board,
Rep. by its Managing Director,
493, Anna Salai, Nandanam,
Chennai-600 035.
3. The Secretary-cum-Personnel Officer,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai-600 035.
4. The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Unit,
Tamil Nadu Housing Board,
Trichy.
5. The Section Officer,
Pension Section,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to disburse petitioners retirement benefits except gratuity and Death Cum Retirement Gratuity, for which petitioner is legally entitled by considering the petitioner's representation dated 19.10.2016 in the light of the orders passed by this Court in W.P(MD)No.16098 of 2015 dated 08.06.2015.

For Petitioner : Mr.AL.Kannan
For R1 : Mr.S.Sathish Kumar
Addl.Govt. Pleader
For R2 to R5 : Mr.Sivaramalingam

O R D E R<https://hcservices.ecourts.gov.in/hcservices/>

This petition has been filed, seeking to direct the respondents herein to disburse the petitioner's retirement



benefits except gratuity and Death Cum Retirement for which the petitioner is legally entitled by considering the petitioner's representation dated 19.10.2016 in the light of the orders passed by this Court in W.P(MD)No.16098 of 2015 dated 08.06.2015.

2. The case of the petitioner is that pursuant to registration of a case in Crime No.5 of 2012 on the file of the Vigilance and Anti Corruption Police, Trichy against the petitioner, he was suspended from service and subsequently, during pendency of criminal case, he attained superannuation on 31.12.2013, but he was not permitted to retire on the said date and his retirement benefits were withheld by the respondents citing the criminal case. It is submitted by the petitioner that he sent a representation dated 19.10.2016 to the respondents, requesting them to disburse his retirement benefits, except gratuity and Death-cum-Retirement Gratuity and the said representation did not evoke any response so far. It is further submitted that if the representation of the petitioner is disposed of, his grievance would be some how redressed.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. Once a representation has been received by the respondents, it is their bounden duty to decide the same in one way or the other. Therefore, the concerned respondent is directed to consider the representation of the petitioner dated 19.10.2016 to release the payment to the petitioner within a period of eight weeks from the date of receipt of a copy of this order, if there is no legal impediment. Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To:

1. The Secretary to Government,
State of Tamil Nadu,
Housing & Urban Development Department,
Fort St.George, Chennai-600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai-600 035.
3. The Secretary-cum-Personnel Officer,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai-600 035.



4. The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Unit,
Tamil Nadu Housing Board,
Trichy.

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5. The Section Officer,
Pension Section,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

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