



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2016

CORAM :

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.5393 of 2016

WEB COPY

C.Thangapandi

... Petitioner

Vs.

1.The Assistant Director,
Panchayat Union Pension,
Local Fund Audit,
Kuralagam 4th Floor,
Chennai 600 108.

2.The Commissioner,
Chellampatti Panchayat Union,
Chellampatti, Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to sanction and disburse monthly pension and other retirement benefits to the petitioner within a reasonable time as may be specified by this Court.

For Petitioner

: Mr.E.V.N.Siva

For Respondents

: Mr.R.Velmurugan,
Government Advocate.**ORDER**

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the respondents to sanction and disburse monthly pension and other retirement benefits to the petitioner within a reasonable time as may be specified by this Court.

2.Heard the learned counsel for the petitioner. Mr.R.Velmurugan, learned Government Advocate takes notice for the respondents.

3.The petitioner who was served with the second respondent retired from service on 28.02.2015 and the pension proposals were sent by the second respondent to the first respondent, namely, the Assistant Director, Panchayat Union Pension, Local Fund Audit, Chennai. The first respondent sanctioned only provisional pension vide proceedings in PUPV (2)/905/15, dated 30.04.2015 and raised several queries with respect to his services. The second respondent also complied with the said queries raised by the first respondent and submitted fresh proposal on 23.06.2015 which was also returned by the first respondent on 23.09.2015. Therefore, the second respondent once again resubmitted the proposal along with necessary documents vide proceedings dated 20.11.2015. The first respondent without considering the same, returned the proposal on 04.02.2016 and raised the very same queries which were already complied with by the second respondent.



4.The petitioner complains that the act of the first respondent is wilful and wantonly returning the same without sanctioning the pension. Therefore, the petitioner gave a representation on 26.02.2016. In response to the same, the second respondent informed the petitioner that he has resubmitted his pension proposal to the first respondent and the pension will be disbursed to him at the earliest. However, no acknowledgment was given to the petitioner for re-submission of his pension proposal which was sent by the second respondent to the first respondent.

5.From the above facts, it is not clear as to whether the respondents shall pass orders on the pensionary benefits of a person who had worked for their department despite several representations.

6.In the light of the above facts, the first respondent is directed to consider the proposal sent by the second respondent for sanctioning pension for the petitioner within a period of two weeks from the date of receipt of a copy of this order and report compliance to this Court.

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

Sd/
Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1.The Assistant Director,
Panchayat Union Pension,
Local Fund Audit,
Kuralagam 4th Floor,
Chennai 600 108.

2.The Commissioner,
Chellampatti Panchayat Union,
Chellampatti, Madurai District.

+1cc to M/S.E.V.N.Siva, Advocate in SR.No.15098

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sms
PA/AN-MP/SAR I/28.03.2016/2P/4C