

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.4881/2017

P. Shanmugam

.. Petitioner

Versus

1. The Joint Commissioner of Police,
Crime Bureau of Records,
Commissioner Office Building,
132, E.V.K. Sampath Road,
Vepery, Periamet, Chennai-600 007.

2. The Joint Commissioner of Police,
Central Divisional Office,
Commissioner Office Building,
132, E.V.K. Sampath Road,
Vepery, Periamet, Chennai-600 007.

..... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents herein to consider the representation dated 18.05.2007 & 20.12.2016 and grant the gratuity amount to the petitioner.

For Petitioner : Mr.K.Balamurgan for
M/s.Shivakumar and Suresh

For Respondents : Mr.P. Senthilvel, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Senthilvel, learned Government Advocate accepts notice on behalf of the respondents.

2 The petitioner joined the services of the Tamil Nadu Police as a Police Constable in the year 1972 and got his promotion as a Head Constable in the year 1980 and voluntarily retired from service on 22.03.2004 due to personal problems. The petitioner was paid with some of the terminal benefits and however, the Gratuity amount, which he is legally entitled, have

not been disbursed. The petitioner, in this regard, has submitted a representation dated 18.05.2007 to the 2nd respondent and vide endorsement dated 17.07.2007, the 2nd respondent in Na.Ka.Pension [Ma]/96/10193/2004 has informed the petitioner that the matter is pending consideration and as and when, authorisation is accorded by the Accountant General, the arrears will be disbursed.

3 The learned counsel for the petitioner would submit that for the past 10 years, no progress is taking place and the petitioner, in this regard, has submitted a representation dated 20.12.2016 to the respondents 1 and 2 and though the said representation was received and acknowledged, he is yet to be favoured with any kind of response and therefore, left with no other option, the petitioner is constrained to approach this Court, by filing the present writ petition.

4 Per contra, Mr.P.Senthilvel, learned Government Advocate appearing for the respondents, who would submit, on instructions, that appropriate follow up action will be taken and the petitioner will be communicated of the decision taken and prays for closure of the writ petition.

5 The Court has considered the rival submissions and also perused the materials placed before it.

6 It is not in dispute that the request for voluntary retirement made by the petitioner was accepted and he was permitted to retire voluntarily and the fact remains that the Gratuity amount is to be disbursed and in this regard, the petitioner has submitted a representation dated 18.05.2007 to the 2nd respondent who vide endorsement dated 17.07.2007 has informed the petitioner that as and when authorisation is given by the office of the Accountant General, further proceedings will take place. It is to be pointed at this juncture that nearly after a lapse of ten years, it appears that no follow up action has been taken by the office of the 2nd respondent. The petitioner, in this regard, has also submitted a representation dated 20.12.2016 to the respondents 1 and 2 and though it was received and acknowledged, no progress is taking place.

7 This Court, in the light of the above facts and circumstances, directs the 2nd respondent, viz., the Joint Commissioner of Police, Central Divisional Office [now designated as East Zone], Commissioner Office Building, Vepery, Chennai-600007, to make a proper follow-up of his communication dated 17.07.2007 in Na.Ka.Pension [Ma]/96/10193/2004 as well as consider the petitioner's representation dated 20.12.2016 and take appropriate action for the disbursement of the arrears of Gratuity with interest on belated payment, if any, to the petitioner, within a period of six weeks from the date of

receipt of a copy of this order and communicate the decision taken, to the petitioner.

8 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

1. The Joint Commissioner of Police,
Crime Bureau of Records,
Commissioner Office Building,
132, E.V.K. Sampath Road,
Vepery, Periamet, Chennai-600 007.
2. The Joint Commissioner of Police,
Central Divisional Office,
Commissioner Office Building,
132, E.V.K. Sampath Road,
Vepery, Periamet, Chennai-600 007.

Copy To:-

- 1] The Home Secretary to Government
Government of Tamil Nadu
Secretariat, Fort St George,
Chennai 600 009.
 - 2] The Director General of Police
Mylapore, Chennai-4.
 - 3] The Commissioner of Police
Vepery, Chennai-600 007.
- [for necessary follow-up and further action]

+1cc to M/s.Shivakumar,Advocate sr.12914

+1cc to Government Pleader sr.13412

WP.No.4881/2017

sv(co)
ss(13/03/2017)