

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13108 of 2016

T.Mahalingam

..Petitioner

Vs

1.Tamil Nadu Civil Supplies Corporation,
Represented by its Managing Director,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

2.The General Manager (Administration),
Tamilnadu Civil Supplies Corporation,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, to direct the 1st respondent to consider the representation of the petitioner dated 17.8.2015 in accordance with law and pass orders granting the retiral benefits due to the petitioner.

For Petitioner : Mr.G.K.Ilanthirayan
for M/s.Sai Bharath and Ilan

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operative Societies)

ORDER

The relief sought for in this writ petition is for a direction to the first respondent to consider the representation submitted by the writ petitioner on 17.8.2015, in relation to his retirement benefits.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner joined in the service of the respondent-Corporation in the year 1975 as Assistant and retired from service on attaining the age of superannuation on

31.08.2010. However, he was subjected to the disciplinary proceedings and in view of that, the retirement benefits were not settled. The learned counsel further states that disciplinary proceedings initiated against the writ petitioner were concluded and a punishment of stoppage of increment for three years with cumulative effect was imposed. In view of the above, the retirement benefits ought to have been settled to the writ petitioner by the Corporation. However, there is a delay in settlement.

3. Retirement benefits are the deferred portion of the wages earned on account of services rendered by the writ petitioner in the Corporation. Thus, the right to retirement benefits cannot be denied without any valid reasons and all such retirement benefits are to be settled without any further delay.

4. In this view of the matter, the second respondent is directed to consider the representation submitted by the writ petitioner on 17.8.2015 and pass 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.

5. Accordingly, the writ petition stands disposed of. However, no order as to costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. Tamil Nadu Civil Supplies Corporation,
Represented by its Managing Director,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

2. The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

+1cc to Mr. L. Shanmugasundaram, Advocate SR.No.70187/17

+1cc to M/s. Sari Bharathi & Ilam, Advocate SR.No.70279/17

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SDR 28.10.2017