

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.13823 of 2017

V. Jothilingam

Petitioner

vs.

- 1 The Principal Secretary to Government
Labour and Employment Department
Fort St. George
Chennai 600 009
- 2 The Commissioner of Labour
DMS Complex
Chennai 600 006
- 3 The Director
Tamil Nadu Institute of Labour Studies
No.5, Kamarajar Salai
Triplicane
Chennai 600 005

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the petitioner's representation dated 20.01.2016 to the third respondent and consequently, to direct the third respondent to pay pension and other benefits to the petitioner, as provided under the Tamil Nadu Pension Rules, 1978.

For petitioner Mr. S. Saravana Prakash

For respondents Mr. T.M. Pappiah
Special Government Pleader

ORDER

Mr. T.M. Pappiah, learned Special Government Pleader, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 The petitioner joined the third respondent institution as Record Clerk on 09.01.1980 and retired as Special Grade Record Clerk on 31.12.2012 on reaching the age of

superannuation. The relieving order dated 31.12.2012 passed by the third respondent clearly shows that the petitioner was permitted to retire from service. Since the petitioner has been getting pension only under the Employees Pension Scheme and not Government pension as is granted to a similarly placed person, the petitioner addressed a representation dated 20.01.2016 seeking disbursement of Government Pension at the earliest point of time. Since same has not yet been considered, the petitioner has filed the present writ petition seeking a direction to the third respondent to consider his representation dated 20.01.2016 and to pay pension and other benefits to him, as provided under the Tamil Nadu Pension Rules, 1978.

3 The learned Special Government Pleader appearing for the respondents submitted that reasonable time may be granted to the third respondent to consider and pass orders on the petitioner's representation dated 20.01.2016.

4 In view of the above submission made by the learned Special Government Pleader, this Court directs the third respondent to consider and pass orders on the petitioner's representation dated 20.01.2016 on its own merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. Costs made easy.

-s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

cad

To

1 The Principal Secretary to Government
Labour and Employment Department
Fort St. George
Chennai 600 009

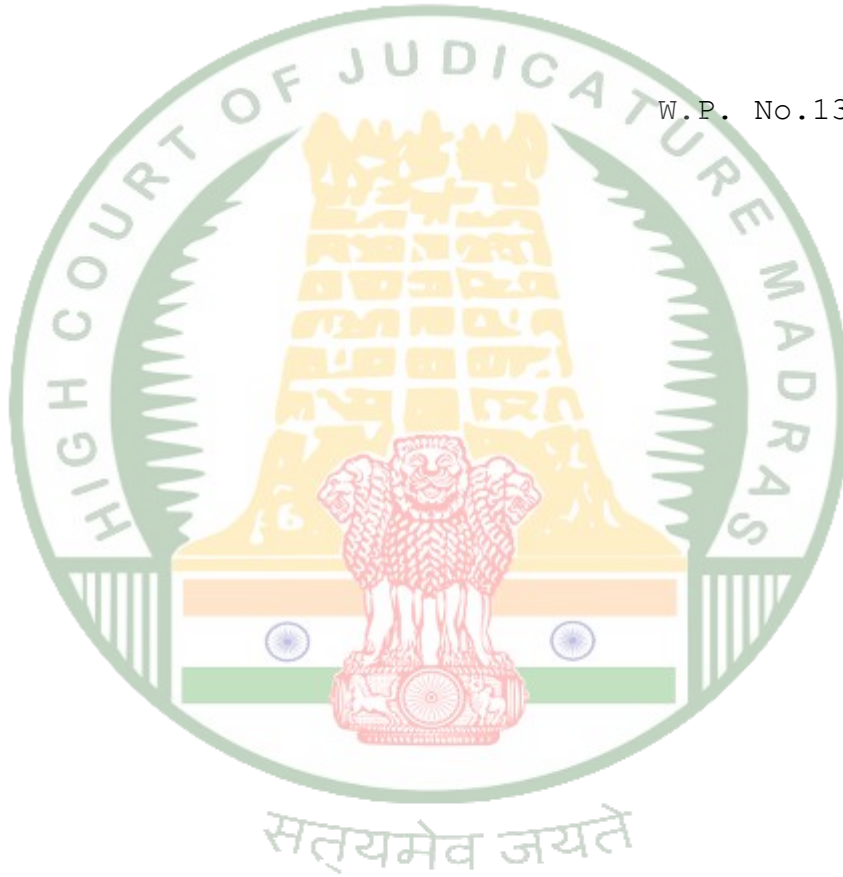
2 The Commissioner of Labour
DMS Complex
Chennai 600 006

3 The Director
Tamil Nadu Institute of Labour Studies
No.5, Kamarajar Salai
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Chennai 600 005

+1 CC to Mr.S. Saravana Prakash, Advocate sr 39924
+1 CC to Govt. Pleader sr 40051

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