

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9155 of 2004

S.Karpagambal

...Petitioner

/versus/

1. The District Collector,
Nagapattinam Kadampadi.
2. The Director of Social Welfare,
Chepauk, Chennai - 5.
3. The Commissioner,
Kutralam Panchayat Union,
Nagapattinam District.
4. The District Social Welfare Officer,
Nagapattinam, Kadampadi.

...Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ or direction to the fourth respondent to pay the gratuity and other retirements benefits and pension to the petitioner.

For Petitioner : No Appearance

For R1, R2 and R4 : Mr.A.Zakkir Hussain

For 3rd respondent : No Appearance

O R D E R

The writ petitioner was employed as a Social Welfare Extension Officer at Kutralam Panchayat Union and retired from service on attaining the age of Superannuation on 30.09.1999. The writ petitioner made a compliant that even after 4 ½ years from the date of her retirement, her

pensionary benefits including the pension have not been settled by the respondents and accordingly the present writ petition was filed by the petitioner.

2. The 3rd respondent filed a counter in which it is stated in para 3 as follows:

"It is submitted that these above periods were not regularized until superannuation. After her retirement her absent periods were regularized as Leave on Loss of pay as for the District Social Welfare Officer, Nagapattinam Rc.3628/88/A1/dated 12.01.2000 and Rc.No.3628/99/A1/dated 28.07.2001. After regularization of Leave periods, her increment were sanctioned for 01.10.1989 as per the District Social Welfare Officer, Nagapattinam Proceedings Rc.No.3628/A1/99/dated 28.07.2001. For claiming of increment arrears from 01.10.1989. Pay drawn particulars were required from various stations of her service. Due to delay in getting pay drawn particulars from various stations, the increment arrear and pay commission arrear bill was presented lately. This is due to administrative reasons. The individual has no step to getting pay drawn particulars from her service station."

Further, it is stated in the counter affidavit that the arrears bill was presented in Sub Treasury, Myiladuthurai on 19.05.2004 and some more additional details were required for sanction of the same. Further, it is stated that the writ petitioner has not produced Form 5 along with the photos in the Office for the purposes of preparation of the Proposal for pension. Therefore in the absence of requirements of certain documents, the department was not in a position to sanction the pension.

3. Since the Writ Petition was filed 13 years back, the learned counsel for the writ petitioner is unable to secure instructions from the Writ Petitioner regarding the submission of Form 5 along with the photos to the Department. In such circumstances this court is not in a position to issue any direction with regard to the sanction and disbursement of retirement benefits and pension to the writ petitioner.

4. Considering the fact, that the writ petitioner is a senior citizen and the writ petition is filed seeking disbursement of pensionary benefits and pension, this Court is inclined to direct the writ petitioner to submit a detailed representation regarding the grievances of payment of gratuity and pension within the period of four weeks from the date of receipt of the copy of this order, and on receipt of the same the respondents are directed to consider and pass appropriate orders within the period of eight weeks thereafter. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rna

To

1. The District Collector,
Nagapattinam Kadampadi.
2. The Director of Social Welfare,
Chepauk, Chennai - 5.
3. The Commissioner,
Kutralam Panchayat Union,
Nagapattinam District.
4. The District Social Welfare Officer,
Nagapattinam, Kadampadi.

+1cc to Government Pleader sr.19548

skv(co)
ss(12/4/2017)

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