

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30534 of 2015

T.K.Abdul Jaleel

... Petitioner

Vs.

1.The District Collector of
Nagapattinam District.
Nagapattinam.

2.The Commissioner,
Kollidam Panchayat Union,
Kollidam, Sirkazhi Taluk,
Nagapattinam District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.05.2015 and to grant pensionary benefits and other benefits to the petitioner.

For Petitioner : Mr.T.Dhanasekaran

For R1 : Mr.K.Dhananjayan
Special Government Pleader

For R2 : Mr.M.Digvijayapandian
Additional Government Pleader

* * * * *

ORDER

Heard Mr.T.Dhanasekaran, learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader for the first respondent and Mr.M.Digvijayapandian, learned Additional Government Pleader for the second respondent.

2.The relief sought for in this writ petition is for a direction to direct the respondents to consider the petitioner's representation dated 09.05.2015 and grant pensionary benefits and other benefits to the petitioner in relation to the service rendered.

3.The learned counsel appearing for the petitioner submitted that the writ petitioner was working as an Office Assistant in the Panchayat Union and subsequently terminated from service. In respect of the terminal benefits he made a representation on 09.05.2015 and requested for a direction to the respondents to consider the same.

4.The learned Special Government Pleader and Additional Government Pleader appearing for the respondents made a submission that the writ petitioner was terminated from service on 12.12.1996, on account of long unauthorized absence. Though he was terminated from service in proceedings dated 12.12.1996 and he has neither preferred any appeal nor challenged the same before the Court of law. Thus the termination order issued on 12.12.1996 became final.

5.This Court is of the view that the writ petitioner was terminated from service on 12.12.1996 and the same was not challenged by the writ petitioner for the past about 21 years. This apart, the representation was submitted by the writ petitioner for seeking terminal benefits on 09.05.2015 and the writ petition was filed on 25.09.2015. The terminated employee is not entitled for any retirement benefits as per the rules. The portion of amount contributed by the writ petitioner ought to have been claimed properly before the competent authorities and in respect of full terminal and retirement benefits, the writ petitioner is certainly not entitled and the question of considering the representation does not arises at all.

6.Further, the termination order was issued on 12.12.1996 and now after a lapse of 21 years, the present writ petition is filed seeking terminal and other benefits and on the ground of latches also the writ petition is liable to be dismissed. Thus, it is left open to the writ petitioner to approach the competent authorities in respect of his contribution, if any, pending for disbursement, in view of the fact that the writ petitioner was already terminated from service and he is not entitled for any pensionary and other benefits.

7.With this view, the writ petition stands dismissed. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

To

1.The District Collector of
Nagapattinam District.
Nagapattinam.

2.The Commissioner,
Kollidam Panchayat Union,
Kollidam, Sirkazhi Taluk,
Nagapattinam District.

+1cc to Mr.T.Dhanasekar, Advocate sr.66096

+1cc to Government Pleader sr.66444

+1cc to Mr.M.Digvijayapandian, Advocate sr.65863

W.P.No.30534 of 2015

ss(9/10/2017)



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