

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.2986/2017

B.Kandan

..

Petitioner

Versus

1.The Principal Secretary to Government
State of Tamil Nadu, Cooperation, Food
& Consumer Protection Department,
Chief Secretariat, Chennai 600 009.

2.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Pasumpon Muthuramalainga Tevar Road
Alwarpet, Teynampet, Chennai 600 035.

3.The Senior Regional Manager
Tamil Nadu Civil Supplies Corporation
Coimbatore Region, Goundampalayam
Coimbatore 641030.

..

Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents to pass orders on the petitioner's representations dated 27.08.2015 and 22.11.2016 by permitting the petitioner to retire from service and disburse all the retiral benefits including pension and arrears of pension, gratuity, provident fund, leave encashment etc., with interest thereon at 12% per annum and all other consequential benefits.

For Petitioner : Mr.P.V.S.Giridhar for
M/s.Giridhar and Sai
For Respondents: Mr.L.P.Shanmugasundaram
Spl.GP [Coop]

ORDER

By consent, the writ petition is taken up for final disposal. Mr.L.P.Shanmugasundaram, learned Special Government Pleader [Coop] accepts notice on behalf of the respondents.

2.The petitioner, while working as a Bill Clerk, at Shop No.64, Coimbatore Region, during the year 2008, was placed under suspension on 24.04.2008 and was also issued with a charge memo dated 28.04.2007 pointing out certain misconduct/delinquency and since he has reached the age of superannuation on 30.06.2008, the suspension was extended till the completion of the disciplinary proceedings and was also not permitted to retire from service. The petitioner was not paid with neither the provisional pension nor the Subsistence Allowance from the date of his superannuation till date. The petitioner, after conclusion of the enquiry, was imposed with the penalty of stoppage of increment vide orders dated 11.11.2008 and 14.11.2008 respectively. The amount was also quantified and the petitioner was also issued with a notice dated 16.01.2009 and was directed to remit a sum of Rs.33,534/- and the petitioner also remitted the same on 20.07.2009 and the shortage amount of Rs.23,177.84p., was also remitted to the respondents and according to the petitioner, as on date, no recovery proceedings are pending against him. The 3rd respondent has also passed an order dated 14.11.2008 to treat the period of suspension of the petitioner between 24.04.2008 and 14.11.2008 as period spent on duty and further order was also passed on 23.02.2009, directing payment of salary to the petitioner for the said period and it is also not paid. The petitioner, in this regard, had submitted series of representations dated 28.10.2009, 06.01.2010, 27.07.2011 and 28.03.2012 respectively, praying for appropriate orders to retire him from service and to disburse all the retiral benefits and the Managing Trustee of the Tamil Nadu Civil Supplies Corporation Employees' Contribution Fund, vide communication dated 17.06.2008, has informed the petitioner that a sum of Rs.2,42,110/- would be settled subject to the production of the retirement order. The petitioner, in this regard, has also submitted reminder representations dated 27.08.2015 and 22.11.2016 respectively praying for appropriate orders, to permit him to retire from service and disbursement of all the retiral/terminal benefits and despite the receipt and acknowledgment of the same, no orders have been passed so far and hence, the petitioner came forward to file the present writ petition.

3 Mr.P.V.S.Giridhar, learned counsel appearing for the petitioner would submit the petitioner is now aged about 66 years and though the disciplinary proceedings have been concluded and recovery orders have been complied with, the petitioner is not yet permitted to retire from service and as a consequence, the terminal benefits are yet to be settled and despite very many representations submitted, no orders have been passed so far and therefore, prays for appropriate orders.

4 Heard the submissions of Mr.L.P.Shanmugasundaram, learned Special Government Pleader [Coop] appearing for the respondents and perused the materials placed before it.

5 In the light of the stand taken by the petitioner in the affidavit filed in support of this writ petition coupled with the fact that despite receipt and acknowledgment of series of representations, no orders have been passed by the respondents 2 and 3 as to the request made by the petitioner to retire from service and settlement of retiral/terminal benefits, this Court, directs the 2nd respondent to consider and dispose of the petitioner's representations dated 27.08.2015 and 22.11.2016 respectively, on merits and in accordance with law and pass orders 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.

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

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1.The Principal Secretary to Government
State of Tamil Nadu, Cooperation, Food
& Consumer Protection Department,
Chief Secretariat, Chennai 600 009.

2.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
Pasumpon Muthuramalainga Tevar Road
Alwarpet, Teynampet, Chennai 600 035.

3.The Senior Regional Manager
Tamil Nadu Civil Supplies Corporation
Coimbatore Region, Goundampalayam
Coimbatore 641030.

+1 cc to M/s.L.P.Shanmugasundaram,advocate,sr.7836

+1 cc to Govt.Pleader,sr.8057.

ug(co)

krd 15/2

WP.No.2986/2017