

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 22.06.2017****CORAM**

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) .No.11557 of 2017**

S.Subbaraman

...Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009

2.The District Collector,
Thanjavur District,
Thanjavur.

..Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent viz., the Secretary to Government, Revenue Department, Secretariat, Chennai - 600 009 to pass appropriate orders on the petitioner's representation dated 31.05.2016 regarding payment of interest for the belated payment of DCRG and encashment of leave salary as per Rule 45(A) Tamil Nadu Pension Rules, 1978 and as per the dictum of the Hon'ble Supreme Court in C.A.No.689 of 2000 dated 31.01.2000 reported in (2001) 9 SCC 687 within a specified time frame that may be fixed by this Court.

For Petitioner

: Mr.S. Visvalingham

For Respondents

: Mr. C. Selvaraj

Special Government Pleader

O R D E R

This Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the first respondent viz., the Secretary to Government, Revenue Department, Secretariat, Chennai - 600 009 to pass appropriate orders on the petitioner's representation dated 31.05.2016 regarding payment of interest for the belated payment of DCRG and encashment of leave salary as per Rule 45(A) Tamil Nadu Pension Rules, 1978 and as per the dictum of the Hon'ble Supreme Court in C.A.No.689 of 2000 dated 31.01.2000 reported in (2001) 9 SCC 687 within a specified time frame that may be fixed by this Court.

<https://hcservices.courts.gov.in/hcservices/>
Mr. C. Selvaraj, learned Special Government Pleader takes notice for the respondents.



3. By consent the Writ Petition itself is taken up for final disposal.

4. Though the Writ Petition is for issuing a Writ of Mandamus to give a positive direction to the respondent, the learned counsel for the petitioner submit that the petitioner will be satisfied if a direction is issued to the respondent, to consider the representation of the petitioner, dated 31.05.2016.

5. Having regard to the limited scope of the prayer, without expressing any opinion on the merits of the petitioner's case, as regards the scope of Rule 45(A) of Tamil Nadu Pension Rules, 1978 and the applicability of the Judgment of the Hon'ble Supreme Court reported in **2001(9) SCC 687**, this Court is inclined to pass the following direction:-

"The first respondent is directed to consider the representation of the petitioner dated 31.05.2016, and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order."

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Thanjavur District,
Thanjavur.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.61967

+1cc to MR.S. VISVALINGAM Advocate in SR. No.61496

TRP

JS/MR/KKR/SAR.4/4.7.2017/2P-5C

W.P. (MD) .No.11557 of 2017
22.06.2017