



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2017

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

WP(MD)No.21247 of 2017

Suba Ramanathan

: Petitioner

vs.

1. Union of India,
rep. by the Secretary,
Ministry of Personnel, PG & Pensions,
Department of Pensions & Pensioners Welfare,
3rd Floor, Lok Nayak Bhavan,
Khan Market,
New Delhi-110 003.

2. Department of Posts,
Rep. by its Secretary,
Dak Bhawan, Sansad Marg,
New Delhi-110 001.

3. General Manager,
Department of Posts,
Postal Accounts & Finance,
TN Circle,
Ethiraj Salai, Chennai-600 008.

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to consider the petitioner's representation, dated 15.02.2017 and 30.06.2017 and pass orders disbursing his pension in accordance with F.No.38/37/2016-P & PW(A)(i) dated 04.08.2016 pursuant to the orders of the Central Administrative Tribunal, New Delhi in OA 749 of 2015, dated 17.11.2016.

For Petitioner

: Mr.K.Prabhakar

For Respondents

: Mr.V.Kathirvelu

Additional Solicitor General
assisted by Mr.J.Jeyakumaran, CGC

ORDER

(Order of this court was made by **K.KALYANASUNDARAM, J**)

The writ petition is filed seeking for a Writ of Mandamus, directing the respondents to consider petitioner's representations, dated 15.02.2017 and 30.06.2017 and pass orders, disbursing his pension in accordance with F.No.38/37/2016-P & PW (A)(i), dated 04.08.2016, pursuant to the orders of the Central Administrative Tribunal, New Delhi made in OA No.749 of 2015, dated 17.11.2016.

2.The case of the petitioner is that he joined service in the Department of Post as a Gramin Dal Sevak (GDS) on 28.02.1978 and served in that post till 05.05.2005 and thereafter, he was appointed as Group D employee in the Head Post Office, Trichy from 06.05.2005 and attained the age of superannuation on 31.08.2015 .

3.The petitioner would claim that the proceedings of the first respondent issued in F.No.38/37/2016-P & PW(A)(i), dated 04.08.2016 is applicable to him and he is entitled for minimum pension of Rs.9,000/- per month. In this regard, a representation was sent by the petitioner, dated 15.02.2017. Since no order was passed, the present writ petition.

4.Heard Mr.K.Prabhakar, learned counsel for the petitioner and Mr.V.Kathirvelu, learned Additional Solicitor General for the respondents and perused the materials available on record.

5.Mr.K.Prabhakar, learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the 1st respondent to consider the representation of the petitioner, dated 15.02.2017.

6.Mr.V.Kathirvelu, learned Additional Solicitor General submitted that there is no proof for submitting the representation of the petitioner and if a fresh representation is given, it would be considered on merits.

7.In view of the above submission, this court, without going into the merits of the matter, directs the petitioner to give a fresh representation to the first respondent, by enclosing a copy of this order, within a period of two weeks from the date of receipt of the order copy. On such compliance, the first respondent shall consider the same and pass orders, purely on merits and in accordance with law, after affording opportunity of hearing to the parties concerned, within a period of eight weeks therefrom.



8.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-I)

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/True Copy/

Sub Assistant Registrar

To

Union of India,
rep. by the Secretary,
Ministry of Personnel, PG & Pensions,
Department of Pensions & Pensioners Welfare,
3rd Floor, Lok Nayak Bhavan,
Khan Market,
New Delhi-110 003.

+1cc to Mr.K.Prabhakaran, Advocate Sr.No.88127

+2cc to Mr.J.Jeyakumaran, Advocate Sr.No.87854

SM/ER

VB/SV/MMS/SAR4/05/01/2018/3P/5C

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