



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.19212 of 2016

WEB COPY

S.A.Kamala

... Petitioner

Vs.

1.The Commisssioner,
Social Welfare Department,
Commissioner Office,
No.58, Corporation School Complex,
Sinthadripet, Chennai-2.

2.The District Social Welfare Officer,
The District Social Welfare Office,
K.K.Nagar, Madurai-20.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to disburse all the retirement benefits from 01.05.2016 and other benefits till 30.04.2016 if any till the retirement of the petitioner by considering the representation dated 30.03.2016 sent by the petitioner.

For Petitioner : Mr.P.Paranthaman

For Respondents : Mr.V.Pandi,
Government Advocate.

O R D E R

This writ petition is filed for directing the 1st respondent to disburse all the retirement benefits from 01.05.2016 and other benefits till 30.04.2016 if any till the retirement of the petitioner by considering the representation dated 30.03.2016 sent by the petitioner.

2.Heard Mr.P.Paranthaman, learned Counsel appearing for the petitioner and Mr.V.Pandi, learned Government Advocate appearing for the respondents.

3.The petitioner joined in the Government service, in the year 1978. However, the petitioner's date of birth was



wrongly mentioned in the service register. The petitioner was therefore constrained to make several representations regarding alteration of his date of birth. Despite representations, the petitioner was made to retire on completion of the retirement age. The petitioner further admits that he was relieved from service on 30.04.2011.

4. In view of the confusion with regard to the date of birth and the petitioner's representations at various stages and due to the earlier writ petition filed by the petitioner before this court, the respondents have not disbursed the retirement benefits to the petitioner even though the petitioner retired and relieved from service on 30.04.2011.

5. The limited prayer of the petitioner is therefore to direct the first respondent to disburse the retirement benefits to the petitioner. The respondents have not filed any counter affidavit. However, the learned Government Pleader on instructions submitted that the service book of the petitioner is not available with the respondents and that the petitioner's request cannot be considered. The petitioner had earlier filed a Writ Petition in W.P.No.4536 of 2011 and a direction was issued to the first respondent to consider the petitioner's representation. After considering the representation, the petitioner's age was fixed as it was found in the service book by the proceedings of the respondents and the petitioner was also relieved from service.

6. In the said circumstances, the petitioner also submitted that the salary for the petitioner is being released only by the respondents. The fact that the petitioner was deputed to the Office of Block Development Officer, Madurai West, in the interregnum would not justify the respondents to deny pensionary benefits to the petitioner on account of want of records. The learned Government Pleader has not filed any counter. The respondents have not produced the files to suggest that the service records are not available with the respondents. When the salary is paid only by the respondents, the respondents cannot say that they are not in a position to consider the petitioner's request to disburse the retirement benefits to the petitioner.

7. Hence, on finding merit in the writ petition, this court is inclined to direct the first respondent to disburse all the retirement benefits to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)



To

1.The Commisssioner,
Social Welfare Department,
Commissioner Office,
No.58, Corporation School Complex,
Sinthadripet, Chennai-2.

2.The District Social Welfare Officer,
The District Social Welfare Office,
K.K.Nagar, Madurai-20.

+2 CC to M/s.P.PARANTHAMAN, Advocate, SR No. 52309

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 52240

GSP/MR

PSM/KP/SAR4/27.04.2017/3P/6C

ORDER MADE IN
W.P. (MD) .No.19212 of 2016
13.04.2017