IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.8395 of 2018
and W.M.P.No.10356 of 2018

N.Viswanathan ..Petitioner

Versus

1. The State of Tamil Nadu,
   Rep.by its Secretary to Government
   Department of Commercial Taxes,
   Fort St. George, Chennai-600 009.

2. The Additional Chief Secretary/
   The Commissioner of Commercial Taxes,
   Ezhilagam, Chepauk,
   Chennai-600 005.

3. The Joint Commissioner(Admn),
   Office of the Commissioner of Commercial Taxes,
   Ezhilagam, Chepauk,
   Chennai-600 005. ..Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, to direct the respondents to pass orders on the representation dated 21.08.2017 and disburse the Provisional Pension and DCRG together with interest from 01.07.2017 to till the payment is made.

For Petitioner : M/s.M.MD.Ibrahim Ali

For Respondents: Mr.Master Ganesh, GA(Taxes)

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O R D E R

The relief sought for in this writ petition is for a direction to pass orders on the representation dated 21.08.2017 and disburse the Provisional Pension and DCRG together with interest from 01.07.2017 till the payment is made.

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2 The writ petitioner joined the services of the Commercial Tax department as Typist in the year 1981 and thereafter he was promoted as Steno, Assistant and to the post of Assistant Commissioner. The writ petitioner was permitted to retire from service on 30.06.2017 on attaining the age of superannuation. On account of certain allegations, the department proceedings were initiated and the same is allowed to continue under Rule 9 of the Tamilnadu Pension Rules, 1978.

3 Under these circumstances, the Provisional Pension and DCRG are applicable under the said rules and the same has not been disbursed to the petitioner as per rule and in this regard, the writ petitioner had submitted representations to the respondent on 21.08.2017 and 19.02.2018.

4 Under these circumstances, the writ petitioner is directed to enclose a copy of the earlier representations and other relevant documents along with a copy of this order. The second respondent is directed to consider the said representations on merits and in accordance with law, and pass appropriate orders within a period of eight weeks from the date of receipt of copy of this order.

5 Accordingly, this writ petition stands disposed of. Consequently, connected Miscellaneous Petition is also closed. No order as to costs.

Sd/--
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpl

To

1. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai 600 009.

2. The Additional Chief Secretary/The Commissioner
of Commericial Taxes, Ezhilagam, Chepauk, Chennai 600 005

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3.The Joint Commissioner(Admn.)
O/o.The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk, Chennai- 600 005.

4. The District Educational Officer,
Thirupathur,
Vellore District.

+1cc to M/s.M.Md.Ibrahim Ali, Advocate Sr.No.26116
+1cc to Special Government Pleader Sr.No.26879

MP(CO)
sm:2.5.2018

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