

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2018

Coram

The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No. 5526 of 2018

R.Radhakrishna

...Petitioner

Vs.

1. The Additional Director General of Prisons/
Inspector General of Prisons,
Whannels Road, Chennai-8.

2. The superintendent of Prisons,
Central Prison-I(Convict),
Puzhal, Chennai-66.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 16.01.2018, and to release the petitioner DCRG after adjusting the recovery ordered as per Proceedings No.16884/CS1/2015, dated 09.06.2017 of the first respondent.

For Petitioner : Mr.J.E.Selvin Albert Holmes

For Respondents : Mrs.R.Janaki, AGP

ORDER

Heard, Mr..E.Selvin Albert Holmes, the learned counsel appearing for the petitioner and Mrs.R.Janaki, the learned Additional Government Pleader, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The case of the petitioner is that he is a superannuated employee, who has been held guilty in disciplinary proceedings. The same resulted in a reduction of pension of Rs.100/- granted in his favour, and recovery of Rs.1,84,203/- from him. However, even after culmination of the aforesaid proceeding, the Death cum Retiral Gratuity(DCRG in short) of the petitioner, to which he is legally entitled to, after recovery of the aforesaid

amount, has since not been released in his favour in spite of a representation made in this regard on 16.01.2018. Hence, he has come forward to this Court, seeking a direction to release his DCRG amount, after deducting the amount recoverable from his DCRG.

3. The learned counsel for the petitioner submits that since the petitioner is a retired person, the aforesaid amount of DCRG, to which he is entitled to, should have been released in his favour deducting the amount as payable to the Government. But the same has not been done, in spite of the representation made, hence a direction may be issued to release the DCRG as payable to the petitioner, within a stipulated time.

4. The learned counsel for the respondents, submits that second respondent shall have no objection for consideration of such representation if the same is pending in accordance with law, if there is no legal impediment.

5. Considering such submissions of learned counsel appearing for the parties and also going through the materials placed, this Court directs the second respondent to take informed and considered decision on the representation made by the petitioner on 16.01.2018, ventilating his grievance, in accordance with law, if there is no legal impediment, within a period of eight weeks from the date of receipt of a copy of this order, provided the same is pending till date and communicate such decision to the petitioner. However, it is made clear that this Court has expressed no opinion on merit of such representation in any manner.

6. With the aforesaid order, this Writ Petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar

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To

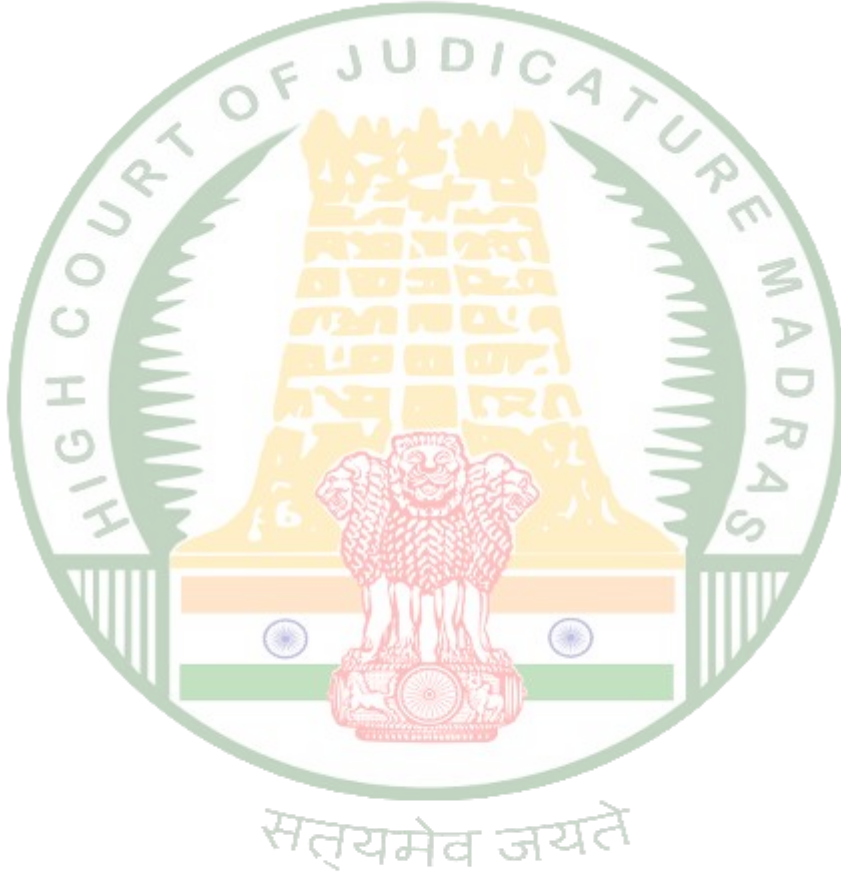
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+1cc to Mr.D.Kingslin, Advocate SR.No.61921

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RJ(CO)
RMP(20/09/2018)



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