

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1750 of 2018
and C.M.P.No.13992 of 2018

- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.
- 2.The Joint Director,
Local Fund Audit,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003. Appellants/2 & 3 Respondents

-vs-

- 1.The Government of Tamil Nadu
rep.by the Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai-600 009.
- 2.R.Sethubalan Respondents/1st Respondent/Petitioner

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.19672 of 2014 dated 23.10.2017.

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of mandamus, to Direct the respondent to pay the unsettled retirement benefits of DCRG Pension and Pension arrears Commutation of Pension SPFGS to the Petitioner with interest as per rules and grant all consequential benefits

For Appellants :: Ms.Karthikaa Ashok

For Respondents :: Mr.P.S.Sivashanmugasundaram,
Spl.GP for R1
Mr.P.Manojkumar for Mr.P.Rajendran for R2

JUDGMENT
(Delivered by K.KALYANASUNDARAM, J.)

The order of the learned single Judge dated 23.10.2017 in W.P.No.19672 of 2014, directing the appellants to settle the Death-cum-Retirement Gratuity and arrears of pension to the second respondent / writ petitioner, is challenged in this appeal.

2. According to the learned counsel for the appellants, the audit objection of the year 2008 was concluded only in the year 2014 in a disciplinary proceedings and there is no delay on the part of the appellants in settling the DCRG and arrears of pension. However, the learned single Judge has observed in paragraph-5 of the impugned order that there was inordinate delay on the part of the appellants in settling the benefits to the second respondent.

3. The learned counsel for the appellants has submitted that since the audit objections raised in the year 2008 has been cleared in the year 2014, they are ready to settle the DCRG.

4. Hence, while confirming the impugned order of the learned single Judge, the said observation of the learned single Judge in paragraph-5 of the order is expunged.

5. The appellants shall settle the amounts as ordered by the learned single Judge, within a period of four weeks from the date of receipt of a copy of this judgment.

6. The writ appeal is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-VI)

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Sub Assistant Registrar

KM

To

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.

2.The Joint Director,
Local Fund Audit,
Corporation of Chennai,
Ripon Buildings,
Chennai-600 003.

3.The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai-600 009.

+1cc to Mr.P. Rajendran, Advocate SR.No.56679

+1cc to Mr.A.Karthika Ashok, Advocate SR.No.56741

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and C.M.P.No.13992 of 2018

GMV (14/09/2018)



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