

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.3132 and 6434 of 2013
in
M.P.No.1 of 2013

S.Dhanaraj ...Petitioner in W.P.No.3132 of 2013

M.B.Nandakumar ...Petitioner in W.P.No.6434 of 2013

-vs-

The Principal Secretary
Municipal Administration
and Water Supply Department
Fort St. George,
Secretariat, Chennai - 600 009. ... R-1 in WP 3132 of 2013

The Commissioner,
Corporation of Chennai,
Chennai - 600 003. ... R-2 in WP 3132/2013 and
Respondent in WP 6434/2013

PRAYER in W.P.No.3132 of 2013: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, to direct the 2nd respondent to release the petitioner's terminal benefits such as full pension, arrears of full pension, commuted value of pension, full gratuity with other benefits consequent to the petitioner's retirement on 30.11.2009 with interest @ 18% per annum.

PRAYER in W.P.No.6434 of 2013: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, direct the respondent to settle the entire withheld amount of gratuity Rs. 5,11,220/- with interest at the rate of 18% per annum.

For Petitioner in both WPs :Mr.N.Ishtiaq Ahmed

For Respondent-1 in WP
3132/2013

:Mrs.R.Janaki,
Additional Government Pleader.

For Respondent-2 in
WP 3132/2013 and
Respondent in WP
6434/2013

:Mrs.Karthikaa Ashok

C O M M O N O R D E R

In WP No.6434 of 2013, The Deputy Commissioner (R&F) Greater Chennai Corporation filed a report stating that actions are being taken to deal with the audit objections raised on the related issues. Today i.e., on 10.12.2018, another report dated 03.12.2018 is filed, stating that pursuant to the orders of this Court, a Committee has been formed under the Head of the Deputy Commissioner (R&F) consisting of the following officials:-

- (a) Finance Adviser;
- (b) Assistant Commissioner (GA&P);
- (c) Deputy Director (LF Audit);
- (d) Superintending Engineer (BRR);
- (e) City Health Officer;
- (f) Revenue Officer;
- (g) Zonal Officer, Zone-10.

2. Pursuant to the constitution of the Committee, various issues, including the audit objections were discussed and the following procedures are being adopted to release the pensionary benefits for the retired officials.

3. The efforts taken by the Greater Chennai Corporation, in this regard, is appreciable and this Court is of an opinion that such an effort taken must reach its logical conclusion, enabling the retired employees to get their right of retirement benefits in accordance with law.

4. The learned counsel for the respondents states that some of the employees, who retired from service long back, are not prepared to furnish their statements/objections in respect of the audit objections. It is needless to state that if the employees are not willing to avail the opportunities provided by the Chennai Corporation, then the Authorities Competent are at liberty to decide the matters based on the records available and in accordance with law.

5. Under these circumstances, the process of adjudicating all the audit objections and the other related issues, shall be concluded by the Competent Authority with the assistance of the Committee constituted for this purpose and the actions shall be initiated to settle the terminal and pensionary benefits to the retired employees, who all are longing for years together, within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svn/kmm

To

1.The Principal Secretary
Municipal Administration
and Water Supply Department
Fort St. George,
Secretariat, Chennai - 600 009.

2. The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

+2ccs to Mr.N.Ishtag Ahmed, Advocate,
S.R.No.85539 & 85540

+2cc to Mrs.Karthikaa Ashok, Advocate, S.R.No.84962

+1cc to the Government Pleader, S.R.No.86208

WP.Nos.3032 and 6434 of 2013

sv (CO)
kak(31/01/2019)