

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.12.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 31361 OF 2018

R.Arunachalam

.. Petitioner

- Vs -

1. The Principal Accountant General
(Accounts & Entitlements)
Tamil Nadu, 361, Anna Salai
Chennai 600 018.

2. The District Collector (Development)
Coimbatore, Coimbatore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to pay all retirement benefits due to the petitioner including regular pension, DCRG and other retirement benefits with effect from 31.01.2004 and pay the arrears.

For Petitioner : Mr. P.Rajendran

For Respondent : Mr. A.N.Thambidurai, AGP

ORDER

This writ petition has been filed seeking direction to the respondents to consider the representation of the petitioner and pass orders thereon.

2. The petitioner retired from the services as Block Development Officer (Bio Gas), Collectorate, Coimbatore, with effect from 31.1.2004. When the petitioner was in service, a charge memo was issued to him by the District Collector, Coimbatore on 23.1.04. The petitioner was not allowed to retire and he was placed under suspension and disciplinary proceedings were initiated against the petitioner. Since the disciplinary proceedings prolonged for years together, the petitioner was allowed to retire from service with effect from 31.1.04 without prejudice to the pending enquiry. Final order was passed in the disciplinary proceedings by the director of Rural Development and Panchayats, Chennai dated 2.4.17 dropping all the charges framed against him. In the civil suit in O.S. No.541/02 on the file of the Sub Judge, Coimbatore, E.P. No.124/06 was filed for

attachment of the retirement benefits and, accordingly, order of attachment to the extent of Rs.10,00,000/- and Rs.6,50,000/- was passed. Citing the above order of attachment, the District collector, Coimbatore has sent pension proposals to the Accountant General as early as on 21.2.2018 to which the office of the Accountant General has sought for certain clarification. The retirement benefits have not been paid to the petitioner till date and, therefore, the petitioner submitted a representation on 23.6.18 for the release of pension, DCRG and other retirement benefits due and payable to him quoting the amounts directed to be attached. Since no order has been passed on the said representation till date, the present petition has been filed.

3. Mr.A.N.Thambidurai, learned Addl. Government Pleader takes notice for the respondents and submitted that this Court may direct the respondents to consider the representation and pass orders thereon within a particular time frame.

4. In view of the limited relief sought for, this Court is of the view that it would be suffice to direct the respondent to consider the representation submitted by the petitioner and pass orders thereon within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the respondent to consider the representation dated 23.6.2018 submitted by the petitioner and pass orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

GLN
TO

सत्यमेव जयते Sub Assistant Registrar

1. The Principal Accountant General
(Accounts & Entitlements)
Tamil Nadu, 361, Anna Salai, Chennai 600 018.
2. The District Collector (Development)
Coimbatore, Coimbatore District.

+1 cc to the Government Pleader, S.R.No.85882

W.P. NO. 31361 OF 2018

VSNII(CO)
SSM(23/01/2019)