

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.12.2018
CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 31573 OF 2018
AND
W.M.P. NO. 36797 OF 2018

K.Duraisamy

.. Petitioner

- Vs -

1. The State rep. by
Prl. Secretary
Higher Education (2) Department
Secretariat, Fort St. George
Chennai - 9.
 2. The Commissioner of Technical Education
Directorate of Technical
Education (Engineering)
Guindy, Chennai - 25.
 3. The Principal
Government Engineering College
Salem - 11.
 4. The Accountant General
Office of the Accountant General
Teynampet, Chennai - 18.
- .. 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 the entire retirement benefits, viz., monthly pension, pension arrears, special leave salary, Earned Leave Salary, GPF, etc., to the petitioner with interest.

For Petitioner : Mr. M.Elango

For Respondent : Ms. Thangavadhana Balakrishnan,
AGP, for RR-1 & 2
Mr. Vijayashankar for R-4

ORDER

The present petition has been filed by the petitioner for a direction to the respondents to pay the entire retirement benefits, viz., monthly pension, pension arrears, special leave salary, Earned Leave Salary, GPF, etc., to the petitioner with interest.

2. It is the case of the petitioner that he was appointed as sanitary worker in the 3rd respondent college on 28.7.1984 and his services were regularised on 30.3.2006 by the 1st respondent in G.O. Ms. No.113. Though the service of the petitioner was regularised with effect from 30.3.2006, however, service benefits were not given to the petitioner. Therefore, he made a representation on 23.5.16 to the respondents seeking the said benefits in addition to the retirement benefits as per Rule 11 (2) of the Tamil Nadu Pension Rule by counting 50% of service rendered before regularisation. The said request for counting 50% of the service for the purpose of pension was rejected by the respondents against which the petitioner preferred W.P. No.17678 of 2017, which was allowed by this Hon'ble Court vide order dated 7.9.2017 directing the respondents to reconsider the claim of the petitioner. Accordingly, the 1st respondent, vide order dated 20.7.2018 has passed an order to count 50% of the service rendered before regularisation of the petitioner for the purpose of terminal benefits. However, the respondents have not paid the terminal benefits till date. Therefore, the petitioner made a representation on 10.8.2018 seeking payment of the terminal benefits. Since no order has been passed on the said representation till date, the present petition has been filed.

3. Ms. Thangavadhana Balakrishnan, learned Addl. Government Pleader takes notice for respondents 1 and 2, who submits that the claim of the petitioner has already been considered and proposal has been submitted by respondents 1 and 2 before the 4th respondent/Accountant General. It is therefore submitted that it is for the 4th respondent to pass appropriate orders on the release of terminal benefits of the petitioner. Mr.Vijayashankar, learned standing counsel takes notice for the 4th respondent and submits that the proposal forwarded by respondents 1 and 2 towards payment of terminal benefits of the petitioner will be considered and orders passed within the time frame as fixed by this Court.

4. In view of the limited relief sought for, it would suffice to direct the 4th respondent to pass orders on the proposal submitted by respondents 1 and 2 towards release of terminal benefits of the petitioner, within a specified time frame.

5. Accordingly, this writ petition stands disposed of with a direction to the 4th respondent to pass orders on the proposal submitted by respondents 1 and 2 towards payment of terminal benefits of the petitioner within a period of

eight weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/--
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Prl. Secretary
Higher Education (2) Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai - 9.
 2. The Commissioner of Technical Education
Directorate of Technical
Education (Engineering)
Guindy, Chennai - 25.
 3. The Accountant General
Office of the Accountant General
Teynampet, Chennai - 18.
- +1 CC TO GOVERNMENT PLEADER SR.NO. 89925
W.P. NO. 31573 OF 2018
- A.SK(20/02/2019)

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