



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.263 of 2018

A.Senrayapperumal .. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Chennai - 9.

2.The Accountant General (A&E),
O/o. the Principal Accountant General (A&E),
No.361, Anna Salai, Chennai - 18.

3.The Director of Town Panchayat,
O/o.the Directorate of Town Panchayat Office,
Kuralagam 4th Floor, Chennai - 108.

4.The District Collector,
Collectorate Building,
Theni, Theni District.

5.The Assistant Director of Town Panchayat,
O/o. the Assistant Directorate of
Town Panchayat Office,
Theni Region, Theni,
Theni District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to release the Death Cum Retirement Gratuity (DCRG) and Compulsory Retirement Benefits in terms of Rule 39 of Tamil Nadu Pension Rules 1978 by considering petitioners representation dated 10.07.2017 within the period that may be stipulated by this Court.

For petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For R-1, 3, 4 & 5 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

For R-2 : Mr.P.Gunasekaran

O R D E R

Heard the learned Counsel on either side.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The writ petitioner is a retired employee in the Directorate of Town Panchayat. He reached the age of superannuation on 30.06.2006. But he was not allowed to retire on account of pendency of certain proceedings. The disciplinary proceedings initiated against the writ petitioner concluded only on 14.06.2015. The Government issued G.O.(D).249, Municipal Administration & Water Supply Department, dated 14.06.2016, imposing the punishment of Compulsory Retirement against the writ petitioner. The said Government order further reads that consequent on this final orders imposing 'Compulsory retirement', orders regarding grant of compulsory retirement pension or Death Cum Retirement Gratuity or both under Rule 39 of the Tamil Nadu Pension Rules, 1978 will be issued separately.

4. The grievance of the writ petitioner is that even though 19 months have elapsed, since then, he has not been disbursed with the consequential retirement benefits. The writ petitioner is presently aged about 70 years. There is absolutely no justification on the part of the respondent in not finalising the proceedings and disbursing the benefits payable to the writ petitioner. Therefore, Mandamus will issue as prayed for. The respondents shall take all the necessary measures and steps and ensure that the appropriate orders are passed under Rule 39 of the Tamil Nadu Pension Rules, 1978 and the benefits payable to the writ petitioner are disbursed within a period of eight weeks from the date of receipt of a copy of this order.

5. This Writ petition is allowed as indicated above. No costs.

Sd/-
Assistant Registrar(C.o.)

/True Copy/

Sub Assistant Registrar

To:

1.The Principal Secretary to Government,
State of Tamil Nadu,
Municipal Administration & Water Supply Department,
Secretariat, Chennai - 9.



2.The Accountant General (A&E),
O/o. the Principal Accountant General (A&E),
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O/o. the Assistant Directorate of
Town Panchayat Office,
Theni Region, Theni, Theni District.

+1CC to Mr.P.Gunasekaran, Advocate, SR.No. 44251

+1CC to M/s.Ajmal Associates, SR.No. 44384

+1CC to the Special Government Pleader SR.No.44770

W.P. (MD) No.263 of 2018

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