



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.17333 of 2018

R.Tamil Selvam

... Petitioner

Vs.

1. The Regional Joint Director,
Local Fund Audit Department,
Trichirappalli Corporation Water
Tank complex,
1st Floor, Dindigul Road,
Trichirappalli - 620 001.

2. The Assistant Director,
Local Fund Audit Department,
Bharathidasan University,
Palkalai Perur,
Tiruchirappalli.

3. The Bharathidasan University,
rep. By its Registrar,
Palkalaiperur,
Tiruchirappalli - 620 024.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to audit certificate as per the request of the 3rd respondent proceedings in Na.Ka.No.B1/21818/207 dated 12.04.2018 within a time stipulated by this Court.

For Petitioners : Mr.V.Panneer Selvam

For Respondent : Mrs.S.Srimathy, Spl.G.P. For R1 & 2
Mr.V.R.Shanmuganathan
For R3

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the 2nd respondent to audit certificate as per the request of the 3rd respondent proceedings in Na.Ka.No.B1/21818/207 dated 12.04.2018 within a time stipulated by this Court.



2. Heard Mr.V.Panneer Selvam, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.V.R.Shanmuganathan, learned counsel appearing for the respondent 3.

3. The learned counsel appearing for the petitioner would submit that, the petitioner was working as Assistant Section Officer at the third respondent University and on superannuation, he retired from service on 31.01.2018. However, he was not given the retiral benefits. The reason for non disbursement of retiral benefits, according to the University, was that there had been an audit objection for the year 2014-15 and 2015-16 and because of that, not only the petitioner, some of the other similarly placed persons had not been given the retiral benefits. In this regard, the learned counsel would further submit that, though 16 persons including the petitioner had not been given the retiral benefits because of the alleged audit objection, some of them had already been given such benefits subsequently in spite of the audit objection and in respect of another person, one Selvam, who approached this Court by filing this writ petition in W.P.(MD) No.19024 of 2016, where, this Court passed an order on 04.10.2016, directing the respondent University to disburse the retiral benefits and based on which the said individual also had been given the retiral benefits. However, the said benefits have not been extended to the petitioner. Therefore, the petitioner is before this Court.

4. I have heard the learned Special Government Pleader appearing for the respondents No.1 and 2 and the learned standing counsel appearing for the respondent No. 3, who would submit that, the request of the petitioner in this regard made on 12.12.2018 would be considered on merits and orders would be passed thereon, by taking into account the earlier orders passed by this Court.

5. Considering the said submissions made by the learned counsel on either side and taking into account the factual matrix of the case, where similarly placed persons have been given the retiral benefits and in one case atleast, this Court has given direction as referred to above in W.P.(MD) No.19024 of 2016, the said relief of retiral benefits can be given to the petitioner also.

6. In the light of the above, the following order is passed:

"The The second and third respondents are directed to consider the request of the petitioner dated 12.02.2018, with regard to the disbursement of retiral benefits to the petitioner, by taking into account the direction issued by this Court in W.P.(MD) No.19024 of



2018 dated 04.10.2016 and pass orders thereon for grant of such benefits to the petitioner, within a period of six weeks from the date of receipt of a copy of this order."

7. With the above direction, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(crl. Side)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Regional Joint Director,
Local Fund Audit Department,
Trichirappalli Corporation Water
Tank complex,
1st Floor, Dindigul Road, Trichirappalli - 620 001.
2. The Assistant Director,
Local Fund Audit Department,
Bharathidasan University,
Palkalai Perur,
Tiruchirappalli.
3. The Bharathidasan University,
rep. By its Registrar,
Palkalaiperur,
Tiruchirappalli - 620 024.

+1cc to Mr.V.Panneer Selvam, Advocate in SR. No.77354

+1cc to SPECIAL GOVERNMENT PLEADER, SR. No.77152

ARUL

MK/SKN/SAR 2/26.09.2018/3P/6C

W.P(MD)No.17333 of 2018
03.08.2018