IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9341 of 2018

R.Karthikeyan ... Petitioner

Vs.

1. The State of Tamil Nadu,
   Rep by Addl. Chief Secretary to Government,
   Finance (T & A-II) Department,
   Fort St.George,
   Chennai - 600 009.

2. The Principal Secretary/ Commissioner of
   Treasuries and Accounts,
   3rd Floor, Integrated Office complex for Finance Department,
   Veterinary Hospital Campus,
   Anna Salai, Nandanam,
   Chennai - 600 035.

3. The Treasury Officer,
   District Treasury,
   Collectorate Campus,
   Erode - 11.

4. The Accountant General
   (Accounts & Entitlement)
   Tamil Nadu,
   361, Anna Salai,
   Chennai - 600 018. ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 4th respondent to pass orders on the petitioners representation dated 27.01.2017 for revised commuted value of pension, by adopting the correct factor for commutation as 59 years.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.R.S.Selvam
Government Advocate for R1 to R3
Ms.Hema Muralikrishnan for R4

ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the fourth respondent to pass orders on the petitioner's representation dated 27.01.2017 for revised commuted value of pension, by adopting the correct factor for commutation as 59 years.

2.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

3.The case of the petitioner is that he joined Government service as Junior Assistant in the year 1969 and promoted as Assistant in the year 1973 and further promoted as Superintendent in the year 1992. The petitioner was promoted to the post of Assistant Treasury Officer in the year 1998 and he was allowed to continue in the said post upto the year 2006.

4.It is the further case of the petitioner that he was issued with a charge memo dated 09.07.2002 by the Commissioner of Commercial Taxes. The petitioner filed W.P.No.30228 of 2005 before this Court and this Court vide order dated 01.10.2005 directed the respondent therein to complete the enquiry within a time frame, however, instead of passing final orders in the disciplinary proceedings, the second respondent vide proceedings dated 30.10.2006 suspended the petitioner and did not permit him to retire from service on reaching the age of superannuation on 31.10.2006.

5.It is the further case of the petitioner that thereafter he filed W.P.No.46935 of 2006 before this Court and this Court vide order dated 07.12.2006 ordered the said writ petition and quashed the charge memo, against which the second respondent filed W.A.No.804 of 2007 and the said writ appeal was dismissed by the Division Bench of this Court on 26.10.2009. Thereafter the second respondent filed S.L.P.(Civil) C.C.No.12789 of 2016 before the Hon'ble Apex Court and the said S.L.P. was dismissed by the Hon'ble Apex Court.

6.It is the further case of the petitioner that even thereafter, the retirement benefits were not settled to the petitioner. Hence the petitioner made a detailed representation on 21.07.2016 to the second respondent seeking to take action to settle the retirement benefits. Since there was no response, the petitioner filed Contempt Petition No.2636 of 2016. Thereafter, the disciplinary proceedings was dropped and the second respondent vide proceedings dated 21.10.2016, allowed the petitioner to retire from service on superannuation on

31.10.2006 a.n. Thereafter, though the retirement benefits were paid to him no interest for the belated payment was granted to him. Further the petitioner's age was taken as 69 instead of 59 for calculating the commuted value of pension. Hence, the petitioner sent a detailed representation to the fourth respondent on 27.01.2017, however, till date the same was not considered. Hence, this writ petition.

7.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 27.01.2017 and to pass appropriate orders, within a stipulated time frame.

8.Considering the limited request made by the learned counsel appearing for the petitioner, I am inclined to issue direction to the respondents to consider the petitioner's representation dated 27.01.2017, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

9.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. Addl. Chief Secretary to Government,
   Finance (T & A-II) Department,
   Fort St.George,
   Chennai - 600 009.

2. The Principal Secretary/ Commissioner of
   Treasuries and Accounts,
   3rd Floor, Integrated Office complex for Finance Department,
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   Erode - 11.

4. The Accountant General
   (Accounts & Entitlement)
   Tamil Nadu,
   361, Anna Salai,
   Chennai - 600 018.

+1cc to Mr.M.Sivavarthanan, Advocate, S.R.No.76825
+1cc to Ms.Hema Muralikrishnan, Advocate, S.R.No.77017
+1cc to the Government Pleader, S.R.No.76866

W.P.No.9341 of 2018

MR(CO)
CS/24/10/2019