

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10722 of 2019

A.Sethu Ravanth

..Petitioner

vs

- 1.The State of Tamil Nadu
Rep by the Secretary to Government
Municipal Administration & Water Supply Department
Fort St.George, Chennai - 600 009
- 2.The Director of Local Fund Audit
Integrated Finance Department
4th Floor, Back-side of Veterinary Hospital
Nandanam, Chennai - 600 035.
- 3.Commissioner of Municipal Administration
Nagar Nirvakkam Office Campus,
9th Floor,
No.753, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.
- 4.The Corporation Commissioner,
Dindugal Municipal Corporation
Dindugal.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the petitioner pension and other retirement benefits due to the petitioner with interest.

For Petitioner : M/s.V.S.Manimekalai
For Respondent : Mr.D.Suriya Narayanan
Additional Government Pleader
for R1 to R3

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to pay the petitioner pension and other retirement benefits due to the petitioner with interest.

2.The learned counsel for the writ petitioner states that he was appointed as Over Seer in the Thiruvallur Municipality and promoted to the Post of Public Works Supervisor. Thereafter, the petitioner was promoted up to the level of Executive Engineer and retired from service on attaining the age of superannuation on 31.12.2013.

3.It is contended that the disciplinary proceedings initiated against the writ petitioner was dropped. In this regard, the Government also passed orders in G.O.Rt.No.34, Municipal Administration and Water Supply (ME.3) Department dated 20.12.2018. In spite of the order passed by the Government, dropping the charges against the writ petitioner, no steps are taken to settle the terminal and retirement benefits due to the writ petitioner.

4.The learned counsel for the writ petitioner states that in the Government order, the Date of retirement has erroneously typed as 31.10.2010, instead of 31.12.2013. On account of the typographical error in the Government order issued in G.O.Rt.No.34 dated 20.02.2018, the respondents are delaying the settlement of the retirement and terminal benefits to the writ petitioner.

5.Mr.S.D.Bhoopalan, Assistant Director, Local Fund Audit Department Integrated Office Complex for Finance Department, Nandanam, Chennai - 35, who is present before this Court and assisted the Court by stating that the proposals have not reached the office of the Local Fund Audit and in the event of receiving the pension proposals, the same will be considered on merits and in accordance with law as expeditiously as possible for the settlement of terminal and retirement benefits.

6.The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3, brought to the notice of this Court that the proposals are sent to the 1st respondent Government for rectification of the mistake occurred in recording the date of retirement. The actual date of retirement of the writ petitioner is 31.12.2013 and in the Government order, it was erroneously typed as 31.10.2010.

7.In this regard, the respondents are bound to take action without causing any undue delay and settle the terminal and pensionary benefits due to the writ petitioner.

8.This being the factum of the case, there is no impediment for the authorities to settle the terminal and pensionary benefits due to the writ petitioner. The errors occurred in the Government order are to be rectified without any further delay in this regard.

9. Accordingly, the respondents 1, 3 and 4 are directed to submit the pension proposals and all necessary documents to the competent authority namely the 2nd respondent, enabling the 2nd respondent to consider and pass appropriate orders for settlement of the terminal and retirement benefits to the writ petitioner. The said exercise is to be done by all the respondents within a period of 12 weeks from the date of receipt of a copy of this order.

10. With this direction, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Municipal Administration & Water Supply Department
Fort St. George, Chennai - 600 009
2. The Director of Local Fund Audit
Integrated Finance Department
4th Floor, Back-side of Veterinary Hospital
Nandanam, Chennai - 600 035.
3. Commissioner of Municipal Administration
Nagar Nirvakkam Office Campus,
9th Floor,
No. 753, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.
4. The Corporation Commissioner,
Dindugal Municipal Corporation
Dindugal.

+1cc to Mr. D. Jayasingh, Advocate, S.R.No. 36660

W.P.No.10722 of 2019

KJI (CO)
GN(07/05/2019)