

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.22104 of 2019

M.Velu

... Petitioner

Vs.

1.The Commissioner
Commissionerate of Social Welfare
Industrial Estate
Guindy, Chennai-600 032.

2.The District Programme Officer
Department of Integrated Child
Development Centre
Collector Office Campus
Tiruppur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to disburse the amount of pension and retirement benefits due to the petitioner after deducting the amount of recovery ordered to be recovered from the pension and retirement benefits by disposing of petitioner's representation dated 13.03.2018 pending on the file of the 2nd respondent.

For Petitioner : Ms.Swadhi Subramaniam

For Respondents : Mr.R.S.Selvam
Government Advocate

W R D E R

The prayer sought for in the writ petition is to direct the 2nd respondent to disburse the amount of pension and retirement benefits due to the petitioner after deducting the amount of recovery ordered to be recovered from the pension and retirement benefits by disposing of petitioner's representation dated 13.03.2018 pending on the file of the 2nd respondent.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that he retired from service on 30.04.2007 as Office Superintendent. While he was in service during 1993, a charge memo was issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, for non-maintenance of vouchers and receipts properly and misappropriated some amount. Thereafter, the 2nd respondent passed order of recovery to the extent of Rs.71,803/- by proceedings dated 13.01.2015 and directed the petitioner to remit the amount in the treasury. Since the petitioner is aged about 63 years, he has not challenged the recovery order now passed. The petitioner in order to disburse his service and retirement benefits of Rs.3,05,600/-, has made a representation dated 07.03.2018 to the 2nd respondent and appeals the 2nd respondent to adjust the recovery amount of Rs.71,803/- and disburse the balance amount. Till date, balance amount was not disbursed to the petitioner. Hence, this writ petition.

4. Learned counsel for the petitioner submitted that it would be suffice to issue direction to the 2nd respondent to consider the representation of the petitioner and disburse the retirement benefits to him.

5. Learned Government Advocate appearing for the respondents submitted that eligible retirement benefits will be disbursed to the petitioner within the time fixed by this Court.

6. Considering the facts and circumstances of the case and the request made by the learned counsel for the petitioner, this Court hereby directs the 2nd respondent to consider the representation of the petitioner and disburse the balance amount of the retirement benefits, if the petitioner is eligible, within a period of twelve weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of on the above terms. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

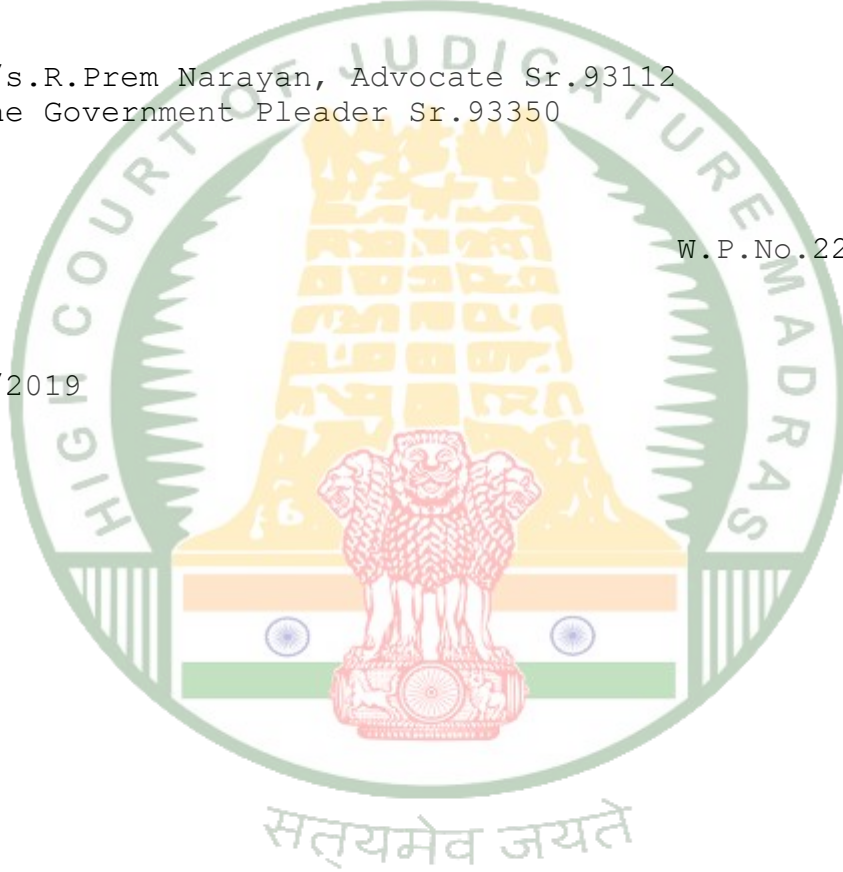
1.The Commissioner,
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Tiruppur.

+1cc to M/s.R.Prem Narayan, Advocate Sr.93112
+1cc to the Government Pleader Sr.93350

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srg 26/12/2019



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