

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26699 of 2019

Mr.K.Sivasubramania Pillai

... Petitioner

Vs.

1. The Principle Secretary
Commercial Taxes and
Registration Department
Chennai - 9.
2. The Accountant General [A & E]
Teynampet, Chennai - 18.
3. The Deputy Commissioner [CT]
Zone - 1, Chennai North Division
Greams Road
Chennai - 6.

... Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to disperse petitioner death cum retirement gratuity, pension commutation and other all retirement benefits with appropriate interest for the delayed payment in pursuance to petitioner employment as per petitioner representation dated 29.10.2018 and 26.11.2018.

For Petitioner : Mr.D.Vijayakumar

For Respondents : Mr.Master Ganesh,
Government Advocate

WEB COPY
O R D E R

Mr.Master Ganesh, learned Government Advocate accepts notice on behalf of the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner worked as Assistant Commissioner (CT)

Harbour V Circle, Chennai North Division. He was suspended from service on the date of superannuation based on the joint surprise inspection conducted by the 2nd respondent on 25.06.2010. Charges were framed and inquiry was conducted. After detailed enquiry, by an order dated 27.10.2016, the petitioner was allowed to retire from service on 30.06.2010. However, based on the report, the 1st respondent by an order dated 05.10.2018 imposed punishment of 'cut in pension at the rate of Rs.2,000/- per month for a period of two years'. Thereafter, the petitioner requested the respondents by letter dated 30.11.2016 to disperse the earned leave surrender, Special Provident Fund, DCRG and commutation of pension. In reply, the 2nd respondent by communication dated 08.03.2017 informed the pension benefits will be paid after final orders in pursuance the disciplinary proceedings. Thereafter by a G.O.(D) No.336 dated 05.10.2018 the petitioner was imposed with punishment of 'cut in pension at the rate of Rs.2,000/- per month for a period of two years.' Even after the said G.O. passed, the respondents have not disbursed the pension and other benefits. Therefore, the petitioner has sent representation to the respondents dated 29.10.2018 and 26.11.2018. Since the representations of the petitioner have not been considered, the petitioner has filed the present writ petition.

3.The learned counsel for the petitioner would submit that it would suffice, if the respondents consider his representations dated 29.10.2018 and 26.11.2018 and pass orders within a stipulated time as fixed by this Court.

4.Thus, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representations of the petitioner dated 29.10.2018 and 26.11.2018, and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order.

5.With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)
//True Copy//

Sub Assistant Registrar

rm

To

1. The Principle Secretary
Commercial Taxes and
Registration Department
Chennai - 9.

2. The Accountant General [A & E]
Teynampet
Chennai - 18.

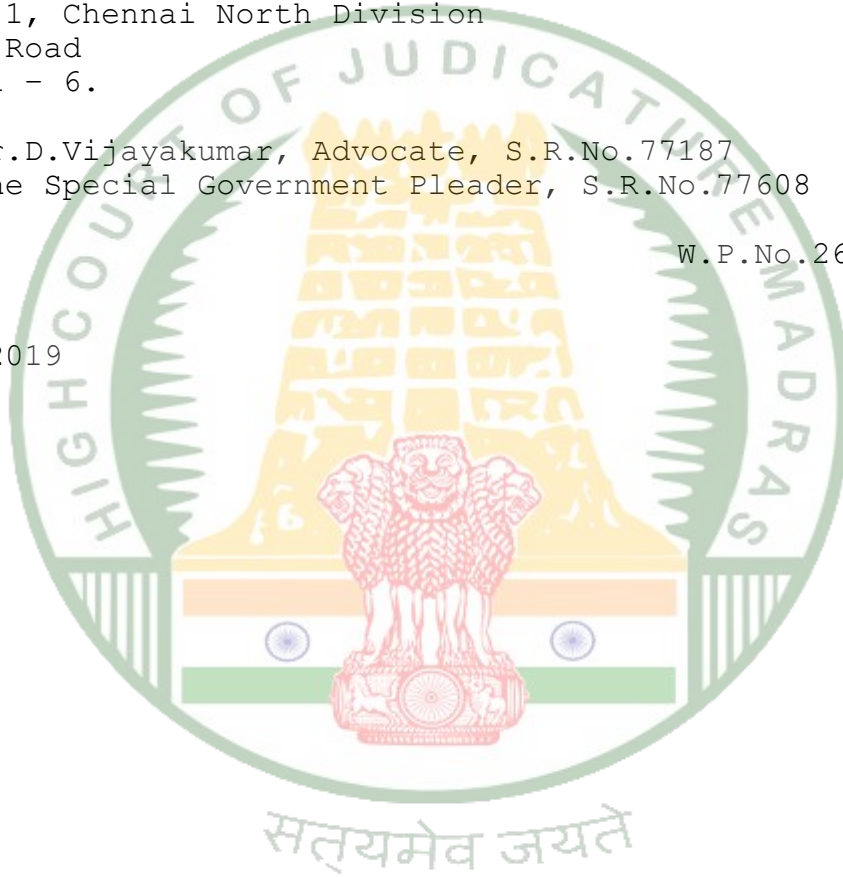
3. The Deputy Commissioner [CT]
Zone - 1, Chennai North Division
Greams Road
Chennai - 6.

+lcc to Mr.D.Vijayakumar, Advocate, S.R.No.77187

+lcc to the Special Government Pleader, S.R.No.77608

W.P.No.26699 of 2019

MR(CO)
CS/24/10/2019



WEB COPY