

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P.No.31363 of 2019

J.Ilankovan

... Petitioner

Vs.

1.The Government of Tamil nadu,
represented by the Principal Secretary to Government,
Animal Husbandry Dairying and Fisheries Department,
Secretariat,
Chennai-600 009.

2.The Director of Animal Husbandry
and Veterinary Services,
Chennai- 600 006.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to grant all unpaid benefits such as grant of Selection Grade, Special Grade and consequential refixation of Pay with all annual increments and empanelment and promotion to the higher posts with effect from the date of such promotion of his immediate Junior and consequential Revision of Retirement and pensionary benefits with interest on delayed payments of all disbursed and yet to be disbursed benefits within a limited time frame.

For Petitioner : Mr.M.Ravi

For R1 and R2 : Mr.A.N.Thambudirai
Special Government Pleader

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ORDER

This writ petition is filed to issue a Writ of Mandamus to grant all unpaid benefits such as grant of Selection Grade, Special Grade and consequential refixation of Pay with all annual increments and empanelment and promotion to the higher posts with effect from the date of such promotion of his immediate Junior and consequential Revision of Retirement and pensionary benefits with interest on delayed payments of all disbursed and yet to be disbursed benefits within a limited time frame.

2.By consent of both parties, this writ petition is taken up for final disposal.

3.The case of the petitioner is that the petitioner joined service on 30.06.1981 as Veterinary Assistant Surgeon. In respect of certain alleged irregularities in the execution of Integrated Rural Development Scheme works during the year 1980-82, disciplinary proceedings was initiated against the petitioner before the Tribunal for Disciplinary proceedings, Madurai in D.E.No.28/1988 and 31/1988 and ultimately penalty of "Stoppage of increments for 3 years with cumulative effect" was imposed in G.O.Ms.No.181, Animal Husbandry and Fisheries Department, dated 05.06.1992. Thereafter, the petitioner filed O.A.No.4731/1992 on the file of the Tamil Nadu Administrative Tribunal and obtained order of Interim stay dated 30.09.1992 and the same was dismissed on 13.07.2001. A charge memo dated 18.05.2011 was issued to the petitioner. By order dated 01.04.2014 made in W.P.No.1998 of 2014, this Court set aside the charge memo issued against the petitioner. The petitioner was permitted to retire from service on 30.04.2014.

4.The learned counsel for the petitioner submits that the first respondent in G.O.(D)No.202, Animal Husbandry, Dairying and Fisheries(AH.1) Department, dated 31.07.2017, regularized the period of suspension undergone by the petitioner. The monetary benefits were disbursed to the petitioner on 26.03.2018, 23.01.2019 and 08.02.2019. Seeking interest at the rate of 10% per annum for the delayed payment, the petitioner made representations dated 20.03.2019, 31.07.2019 and 23.09.2019, to the first respondent. Since no action has been taken, this writ petition is filed.

5.The learned Government Advocate submits that the petitioner's representation will be considered within a period of 12 weeks.

6.Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the first respondent to dispose of the petitioner's representation dated 23.09.2019, if not disposed already, within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Government of Tamil nadu,
Animal Husbandry Dairying and Fisheries Department,
Secretariat,
Chennai-600 009.

2.The Director of Animal Husbandry
and Veterinary Services,
Chennai- 600 006.

+1cc to Mr.M.Ravi , Advocate SR.No. 92600

+1 cc to Government Pleader Sr.No. 93042

W.P.No.31363 of 2019

A.SK(17/12/2019)



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