



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.16213 of 2013

P.Kulanthaivelu

: Petitioner

Vs.

1.The District Collector,
Karur District, Karur.

2.The Revenue Divisional Officer,
Kulithalai, Karur District.

3.The Tahsildar,
Kulithalai, Karur District.

4.The Accountant General,
No.361, Anna Salai, Chennai - 600 018.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, Writ of certiorarified mandamus, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.A5/1565/2012, dated 16.10.2012, quash the same and direct the respondents 2 and 3 to re-fix the pensionary benefits of the petitioner.

For Petitioner : Mr.J.Anandhavalli

For R1 to R3 : Mr.D.Muruganandam,
Additional Public Prosecutor

For R4 : Mr.P.Gunasekaran

ORDER

This writ petition has been filed for issuing a writ of cerciorarified mandamus, to quash the impugned order passed by the second respondent dated 16.10.20102 and to direct the respondents 2 and 3 to re-fix the pensionary benefits of the petitioner.

2.The petitioner was appointed as Office Assistant on 28.03.1960 in the third respondent office. The petitioner was later



promoted as Special Grade Office Assistant on 07.08.1987 and attained the age of superannuation on 31.01.1997.

3.The pension proposals were submitted and pension was also sanctioned to the petitioner on the basis of the petitioner's basic salary. Stating that due to wrong fixation of basic salary, the petitioner's pension was fixed wrongly. Thereafter, the petitioner submitted a representation for rectification of defects. Despite several representations given by the petitioner, the petition is kept pending on the ground that the petitioner's service register is not available. Thereafter, the petitioner has sent another representation to trace out the original service book of the petitioner. However there was no further action on the representation of the petitioner.

4.Earlier, the petitioner filed a petition in WP(MD)No.4318 of 2008, for issuance of writ of mandamus directing the respondents to take steps to find the service register and consequently, to fix the rate of pension and gratuity by calculating the petitioner's entitlement as per the service records.

5.The petitioner filed another writ petition, for mandamus directing the respondent to issue his service Register to the petitioner. Thereafter, the impugned order was passed by the second respondent stating that no amount is due to the petitioner and that he had been paid all the retirement benefits as per the service records and there is nothing further to revise the salary.

6.The main contention of the petitioner in this writ petition is that the petitioner was not given proper opportunity. It is stated that the respondent has fixed the retirement benefits without considering the service records as the respondents themselves have reported the missing of service records of the petitioner.

7.The third respondent filed a counter affidavit. In the counter, it is seen that the basic salary, pension and retirement benefits were finalized by the Accountant General Office even prior to the loss of his original S.R.Book. The Accountant General finalised the retirement benefits once for all. It is further stated that the petitioner received all his retirement benefits as per particulars given in the counter.

8.Since the petitioner challenged the order rejecting the representation of the petitioner, unless the petitioner gives the basic information and particulars so as to substantiate his case, it is not possible for this Court to interfere with the order of the second respondent. The order gives an indication that the retirement benefits were calculated on the basis of the service book that was reconstructed.

<https://hcservices.ecourts.gov.in/services> giving several adjournments on the ground that the



petitioner died, the learned counsel for the petitioner is unable to assist the Court with proper instructions from the legal representatives of the deceased petitioner.

10. In such circumstances, this Court is of the view that it is unnecessary to keep the matter pending. Since the learned counsel for the petitioner has not made out any ground, this petition is devoid of merits and hence this Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Karur District, Karur.
2. The Revenue Divisional Officer,
Kulithalai, Karur District.
3. The Tahsildar,
Kulithalai, Karur District.
4. The Accountant General,
No.361, Anna Salai, Chennai - 18

+1 CC to M/s.GP (SR-85877[F] dated 09/09/2019)

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-85955[F] dated 09/09/2019

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JMN(26.09.2019) 3P : 7C