



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)No.7782 of 2019

N.Chandrasekaran ... Petitioner

vs.

1.The Secretary to Government,
Home(Transport) Department,
Secretariat, Chennai-600 009.

2.The Transport Commissioner,
Ezhilagam, Chepauk,
Chennai-600 005.

3.The Deputy Transport Commissioner,
Opp. to Collectors Office,
Virudhunagar.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent ie. the Secretary to Government Home (Transport) Department Chennai ,to pass appropriate orders on the petitioner's representation, dated 25/02/2019, relating to payment of retirement benefits by treating the period of suspension from 03/06/1988 to 04/07/1993 as duty.

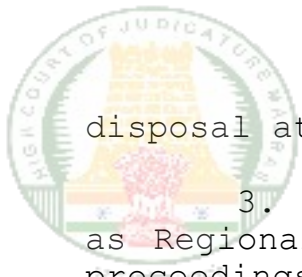
For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Angappan
Government Advocate

ORDER

The Writ Petition is filed seeking a direction to the first respondent to pass appropriate orders on the petitioner's representation, dated 25/02/2019, relating to payment of retirement benefits by treating the period of suspension from 03/06/1988 to 04/07/1993 as duty.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate, who takes notice for the respondents. By consent, the Writ Petition is taken up for final



disposal at the stage of admission itself.

3. The case of the petitioner is that he was lastly serving as Regional Transport Officer, Sivagangai. Since the disciplinary proceedings and a criminal case are pending against the petitioner, he was not allowed to retire from service on attaining the age of superannuation on 31.01.2007. Subsequently, he was placed under suspension. The grievance of the petitioner is that though the criminal case ended in acquittal and the order of suspension was revoked and he was allowed to retire from service with effect from 31.01.2007, his retirement benefits were not disbursed to him by the respondents. Hence, he made a representation on 25.02.2019 to the respondents in this regard. Finding no response on the said representation, the petitioner is before this Court by filing this writ petition.

4. The learned Government Advocate appearing for the respondents submitted that the representation of the petitioner would be considered on merits and in accordance with law within a time limit as fixed by this Court.

5. Considering the nature of the relief as sought for by the petitioner, without going into the merits of the case, the respondents are directed to consider the representation of the petitioner dated 25.02.2019 seeking disbursement of retirement benefits by treating the suspension period as duty and pass orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
Home(Transport) Department,
Secretariat, Chennai-600 009.

2.The Transport Commissioner,
Ezhilagam, Chepauk,
Chennai-600 005.



3.The Deputy Transport Commissioner,
Opp. to Collectors Office,
Virudhunagar.

+1cc to Mr.S.VISVALINGAM, Advocate, SR.No. 58268

+1cc to M/s.Special Government Pleader,SR.No.58541

W.P (MD) No.7782 of 2019
02.04.2019

SSL

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