

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.02.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.13968 of 2018**

R.Jeyapaul

... Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
3rd Floor, Secretariat,
St. Fort George, Chennai - 600 005.

2.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

3.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the second and third respondents herein to implement the order of the third respondent in Se.Mu.No.J1/019/2014, dated 05.01.2018 and release the entire retirement benefits to the petitioner.

For Petitioner : Mr.D.Nallathambi

For R - 1 : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

For RR 2 & 3 : Mr.P.Mahendran

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the second and third respondents to implement the order of the third respondent, dated 05.01.2018 and release the entire retirement benefits to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel appearing for the petitioner, the



learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3.

3. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Assistant Engineer in the Tamil Nadu Slum Clearance Board on 21.08.1979 and permitted to retire from service on 28.02.2014. The petitioner sent a representation on 05.10.2015 seeking for monetary benefits, wherein, the first respondent served a charge-memo, dated 06.01.2016 and the same was not issued under Pension Rules. Hence, the petitioner filed a Writ Petition in W.P(MD)No.6200 of 2016, wherein, this Court, by order dated 30.03.2016, directed the first respondent to consider the payment of gratuity, provisional pension and other benefits. Since the same has not been considered, the petitioner filed a Contempt Petition in Cont.P(MD) No.815 of 2016 and the same was closed on 12.03.2018 based on the proceedings, dated 05.01.2018, directing the respondents to sanction all the retirement benefits. Even thereafter, the same has not been complied with and the petitioner sent a representation to the respondents on 28.03.2018. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

4. The learned counsel appearing for the respondents 2 and 3 submitted that the representation of the petitioner would be considered on merits.

5. In such view of the matter, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner, dated 28.03.2018 in the light of the order passed by the third respondent, dated 05.01.2018 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Secretary to Government,
Housing and Urban Development Department,
3rd Floor, Secretariat,
St. Fort George, Chennai - 600 005.

2.The Chairman,
Tamil Nadu Slum Clearance Board,
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Chennai - 600 005.

3.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-50864[F] dated
01/03/2019)

+1 CC to M/s.SPL GP (SR-51031[F] dated 01/03/2019)

PS

W.P (MD) No.13968 of 2018
28.02.2019

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