



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No.15632 of 2019

WEB COPY

M.Syed Mohamed

... Petitioner

Vs.

- 1.The Accountant General
(Accounts Entitlement),
361, Anna Salai,
Chennai - 18.
- 2.The Director of Pension,
3rd Floor, Integrated Office Complex for
Finance Department,
Veternity Hospital Complex,
Anna Salai, Nandanam, Chennai - 35.
- 3.The Registrar,
Co-operative Societies,
170, E.V.R. Road,
Dr. Radhakrishnan Nagar,
Razak Garden, Officers Colony,
Arumpakkam,
Chennai - 106.
- 4.The Director of Fisheries,
Nanthanam, Chennai - 600 015.
- 5.The Joint Registrar of Co-operative Society,
Tirunelveli Region,
Sarvakkiyar Street, Palayamkottai,
Tirunelveli - 627 002.
- 6.The Joint Registrar of Co-operative Society,
Kanniyakumari Region
NH-66, Seeman Nagar,
Nagercoil - 629 001.
- 7.The Assistant Director of Fisheries,
Near Vadacheri Bus Stand,
Nagercoil - 629 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to sanction monthly pension to the petitioner and consequently, direct them to pay arrears of pension from 06.10.1976 to till date with interest besides gratuity to the petitioner, within a stipulated time.



For Petitioner : Mr.R.Rajamohan
For R1 : Mr.P.Gunasekaran
For R2 to R7 : Mr.M.Pandiarajan
Additional Government Pleader

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ORDER

The petitioner has come up with the present Writ Petition for a Mandamus, directing the respondents to sanction monthly pension to him and consequently, direct them to pay arrears of pension from 06.10.1976 to till date with interest besides gratuity to him, within a time frame to be fixed by this Court.

2. According to the petitioner, initially, he was appointed as Clerk at Sub-Registrar Office, Kollencode, on 23.04.1965 and thereafter, he was transferred to Eraniel Sub-Registrar Office. While the petitioner was working in the said post, he was selected as Junior Inspector of Co-operative Societies and relieved from the Office of Sub-Registrar, Eraniel, on 03.02.1967. Subsequently, he was promoted as Senior Inspector Auditor on 06.10.1971 and thereafter, he went on Extraordinary Leave from 06.10.1976 to 05.04.1977, 06.04.1977 to 30.06.1977 and 01.07.1977 to 31.12.1977 and the same were also granted by the fourth respondent, vide his proceedings dated 05.11.1976, 10.05.1977 and 07.07.1977, respectively. While so, the fourth respondent, vide proceedings dated 14.11.1978, cancelled the leave permission granted from 06.10.1976 to 31.12.1977. Due to his family circumstances, the petitioner was not able to continue his service and hence, he was suspended from service and subsequently, removed from the service. Hence, the petitioner made a representation to the third respondent on 09.03.2007 to sanction pensionary benefits to him and the same was forwarded to the seventh respondent on 20.04.2007. Thereafter, the seventh respondent forwarded the said representation to the respondents 5 and 6 on 24.09.2007. Again, the petitioner sent a representation to the fifth respondent on 02.03.2008 to sanction pension and the same was also forwarded to the sixth respondent by the fifth respondent on 30.04.2008. Lastly, the petitioner has sent a representation to the respondents 3 to 7 on 27.09.2018, but, so far, the pensionary benefits has not been granted to the petitioner. Hence, the petitioner has constrained to approach this Court by way of filing the present Writ Petition.

3. Mr.P.Gunasekaran, learned Standing Counsel appearing for the first respondent has strongly objected that the petitioner's application is not maintainable on the ground that the said application is a belated one. Secondly, in view of Rule 21 of the Tamil Nadu Pension Rules, 1978, if a Government servant is dismissed or removed from the service, he/she is not entitled for pensionary benefits and his/her past services will be forfeited.



4.The learned Additional Government Pleader appearing for the respondents 2 to 7 did not dispute the above said submission of the learned Standing Counsel for the first respondent.

5.The learned counsel appearing for the petitioner submitted that there is no delay as contended by the learned Standing Counsel appearing for the first respondent and also the objection raised by him has to be explained before the authority concerned. Secondly, as per Rule 40 of the Tamil Nadu Pension Rules, 1978, the petitioner is entitled to compassionate allowance from the Department.

6.In view of the above said submissions made by the learned counsel appearing for the parties, this Court directs the sixth respondent to consider the petitioner's representation dated 27.09.2018 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, in any event, not later than, 12 weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

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(Accounts Entitlement),
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+1 CC to Mr.R. RAJA MOHAN, Advocate (SR-82258[F] dated 19/08/2019)
+1 CC to SPL GP (SR-82449[F] dated 20/08/2019)
+1 CC to Mr.P. GUNA SEKARAN, Advocate (SR-82798[F] dated
21/08/2019)

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SMN2

MK (05.09.2019) 4P 11C