



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P(MD)No. 15813 of 2019

WEB COPY

R. Eswaran

... Petitioner

Vs.

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.

2. The Commissioner of Rural Development and
Local Administration,
Panagal Buildings, Saidapet,
Chennai - 600 015.

3. The District Collector,
Theni District,
Theni.

4. The Director of Local Fund Audit,
Kuralagam, Chennai - 600 108.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of **Mandamus** to direct the third respondent/District Collector, Theni to take appropriate action on the petitioner's representation, dated 03.06.2019 by sending proposals to the Government for ratifying his promotion as Record Clerk based on the combined orders dated 20.02.2008 of this Court for sanction of regular pension and retirement benefits, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr. S. Visvalingam

For Respondents : Mr.A. Muthukaruppan,
Additional Government Pleader

ORDER

This writ petition has been filed to direct the third respondent/District Collector, Theni to consider the petitioner's representation, dated 03.06.2019 by sending proposals to the Government for ratifying his promotion as Record Clerk based on the combined orders, dated 20.02.2008 of this Court for sanction of regular pension and retirement benefits, within a specified time frame that may be fixed by this Court.

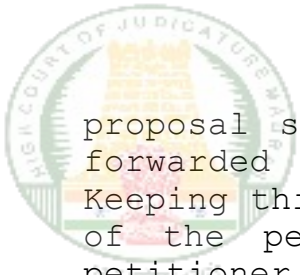


2. According to the petitioner, he was appointed as Basic Servant and the said post was regularised and probation was also declared. The reversion order passed by the third respondent/District Collector was quashed by the order of this Court, dated 20.02.2008 in a batch cases in W.P.(MD) Nos.8572 to 8576 & 8577 of 2007 and based on the aforesaid order of this Court, dated 20.02.2008, the petitioner was allowed to retire from service on 30.06.2012 and provisional pension was sanctioned as per PPO No.28135P, dated 26.05.2014.

3. According to the petitioner, the fourth respondent/ The Director of Local Fund Audit, Chennai has not sanctioned regular pension and other retirement benefits to the petitioner and hence, he has submitted a representation, dated 03.02.2019 to the third respondent/ District Collector, Theni to send the proposal to the Government for ratifying his promotion as Record Clerk, based on the combined order passed by this Court, dated 20.02.2008. The said proposal is still pending and hence, the instant writ petition is filed before this Court for the aforesaid relief.

4. The third respondent has filed a counter affidavit before this Court. In the counter affidavit, it is stated that the proposal of the petitioner was sanctioned only from the date of his appointment. The petitioner has sought for ratifying of promotion as Record Clerk. By considering the petitioner's representation, dated 03.02.2019, passed a G.O.(P) No.356, Rural Development and Panchayat Raj (E5) Department, dated 06.08.2014, the proposal was received from the Commissioner, Chinnemanur in Na.Ka. No.714/2012/A1, dated 19.11.2014 and the same was sent to the second respondent in file No.Na.Ka. No.23387/2014/Voo.Va.6, dated 30.12.2014. By the proceedings in Na.Ka.No.23387/2014/Voo.Va.6 dated 19.08.2015 and Na.Ka.No.23387/Voo/Va.6 dated 06.04.2017 the third respondent has furnished the details sought for by the second respondent and therefore, the representation of the petitioner is under consideration by the second respondent. According to the third respondent, if the said conditions are fulfilled as per the norms of the first respondent and shall issue appropriate order for ratification of the promotion as Record Clerk.

5. In the light of the submission of the learned Additional Government Pleader, now the proposal of the petitioner is pending before the second respondent. Therefore, by taking note of the fact that the aforesaid pension proposal of the petitioner is pending before the second respondent as stated in the counter affidavit filed by the third respondent. The above said proposal was received by the third respondent on 19.11.2014 the same was forwarded to the second respondent on 30.12.2014 for clarification and the delay in forwarding the proposal to the second respondent is an inordinate delay. The second respondent ought to have considered the said



proposal submitted by the third respondent and the same shall be forwarded to the first respondent for passing appropriate orders. Keeping this pension proposal for long time, affected the the rights of the petitioner and in getting the statutory rights of the petitioner. Therefore, this Court has not specified the reasons for the delay in sending the proposal to the first respondent by the second respondent. Atleast, now at this stage, the second respondent has to awake, arise and to send the proposal to the first respondent as expeditiously as possible, preferably within a period of Two (2) weeks, from the date of receipt of copy of this order. If any such proposal made before the first respondent, the same shall be considered on merits and in accordance with law, and pass appropriate orders, without any further delay.

6. Before parting the orders, by taking note of the above said delay for payment of pensionary benefits, the first respondent shall issue necessary guidelines and directions to the authorities concerned to consider the pension application and disburse all the pensionary benefits as per rules, within a time bound manner as stated supra. Otherwise, the retired employees will run pillar to post for getting their statutory rights of the pensionary benefits.

7. With the above directions, the instant writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Rural Development and
Local Administration,
Panagal Buildings, Saidapet,
Chennai - 600 015.
3. The District Collector,
Theni District,
Theni.



4. The Director of Local Fund Audit,
Kuralagam, Chennai - 600 108.

+1 CC to M/s.S. VISVALINGAM, Advocate(SR-83930[F]dated 28/08/2019)

+1 CC to M/s.SPL GP (SR-84218[F] dated 29/08/2019)

W.P(MD)No.15813 of 2019
28.08.2019

ksa

VB(25.10.2019) 4P 7C