



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD) .No. 17939 of 2019

S. Gunasekaran : Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Secretary,
Department of Rural Development and Panchayat,
Fort Saint George,
Chennai - 600 009.
 2. The Director,
Local Fund Audit Department,
4th Floor, Kuralagam,
Chennai - 600 108.
 3. The Director of Town Panchayat,
Kuralagam Buildings,
Chennai - 600 108.
 4. The Assistant Director,
Local Fund Audit Department,
Theni, Theni District.
 5. The District Collector (Development),
Theni District, Theni.
 6. The Block Development Officer,
Chinnamanur, Theni District.
 7. The Commissioner,
Periyakulam Panchayat Union,
Periyakulam, Theni District.
- : Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, directing the fifth respondent to submit the pension proposal to the fourth respondent and disburse forthwith the pensionary benefits due to the petitioner viz., the Tamil Nadu Government Employees Special Provident Fund, Gratuity, Pension admissible to the petitioner with penal interest at the rate of 18%.



For Petitioner : Mr.P. Saravanakumar
For Respondents-1 to 5 : Mr.M. Pandiyarajan,
Additional Government Pleader
For Respondent-6 : Mr.S. Dhayalan,
Government Advocate

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ORDER

This Writ Petition has been filed seeking for a direction to the fifth respondent to submit the pension proposal to the fourth respondent and disburse forthwith the pensionary benefits due to the petitioner with penal interest at the rate of 18%.

2. Mr. Mr.M. Pandiyarajan, learned Additional Government Pleader takes notice for the respondents-1 to 5. Mr. S. Dhayalan, learned Government Advocate takes notice for the respondent-6. By consent of both parties, the instant writ petition is taken up for final disposal at the stage of admission itself.

3. The grievance of the petitioner is that, initially, he was joined service on 01.04.1986 as Panchayat Clerk in the respondents/Department and after attaining superannuation, he was retired from service on 30.04.2019. At the time of retirement, he was paid earned and unearned leave benefits only, he was orally informed that he was not entitled for pension benefits, as per G.O.Ms.No.259, dated 06.08.2003 and till date the respondents have not disbursed his retirement benefits. The further grievance of the petitioner is that he is entitled for the pension benefits in view of the G.O. No.430 (Finance - Pension) dated 06.08.2003. Hence, the instant petition is filed.

4. According to the petitioner, the instant writ petition is filed seeking for a direction to the fifth respondent to submit the pension proposal to the fourth respondent and disburse the pensionary benefits due to the petitioner. But, during the course of admission, the learned counsel appearing for the petitioner restricted the relief, by giving permission to the petitioner to make a representation before the first respondent, in the light of the Order passed by this Court in **W.P.(MD) No.24408 of 2016 dated 04.01.2017** followed the decision made by this Court reported in the case of **S.Mary Sherly Vs. Secretary to Government, Education Department, Chennai and Others, reported in 2013 (3) MLJ 56**, and W.P.(MD) No.16049 of 2019, dated 16.02.2015.

5. In view of the submissions made by the learned counsel appearing for the petitioner, this Court is inclined to pass the following Orders;

(i). the petitioner is permitted to make a representation before the first respondent along with a copy of the said order



through the fifth respondent/District Collector (Development), within a period of Two (2) weeks, from the date of receipt of copy of the order.

(ii). If any such representation made by the petitioner, the first respondent shall consider and pass an order on merits and in accordance with law, as expeditiously as possible.

6. With the above directions, this Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary,
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Chennai - 600 009.
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Periyakulam, Theni District.

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JM/19.09.2019/3P/8C

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