



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.19589 of 2019

WEB COPY

S.E.Mohan

... Petitioner

Vs.

1.The Commissioner of Labour,
DMS Compound,
Teynampet,
Chennai-6.

2.The Assistant Commissioner of Labour (Enforcement),
Ward No.27, Vasantham Nagar,
Thirumal Nagar,
Perumalpuram Post,
Tirunelveli-627 007.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the DCRG, commutation, and arrears of pension along with the interest at the rate of 18% per annum and also to disburse the monthly pension from September, 2019 by considering the representation of the petitioner, dated 27.08.2019 within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.S.Dhayalan,
Government Advocate

ORDER

This writ petition is filed seeking for a mandamus, directing the respondents to pay the DCRG, commutation and arrears of pension along with the interest at the rate of 18% per annum and also to disburse the monthly pension from September, 2019 by considering the representation of the petitioner, dated 27.08.2019.

2.Mr.S.Dhayalan, learned Government Advocate takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he joined the service in the Labour Department on 01.03.1982 as Junior Assistant and after promotion, he was working as Assistant Inspector of Labour on 13.06.2006. While working as Assistant Inspector of Labour, he retired from service on 30.04.2018 on attaining the age of superannuation.



4.The learned counsel appearing for the petitioner submitted that there was some anomaly in fixation of pay of the petitioner and a sum of Rs.4,05,887/- was due to the Co-operative Thrift Society. He further submitted that the respondent issued the communication that there was some anomaly in fixation of pay. The petitioner deposited a sum of Rs.4,06,000/- on 13.08.2019 and informed the same to the second respondent.

5. The learned counsel appearing for the petitioner further contended that inspite of such deposit and giving consent for recovery of the alleged excess amount, even though, the sum was not quantified, the respondents are not paying the pension and other terminal benefits. The petitioner gave representation on 27.08.2019 to the respondents. The said representation was not considered and no order was passed. Hence, the petitioner has come out with the present writ petition.

6. Though the petitioner sought for a larger relief in the writ petition, when the Writ Petition is taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the respondents to consider his representation, dated 27.08.2019.

7. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

8.Considering the submission of the learned counsel for the petitioner, without deciding the issue on merits, in the writ petition, the writ petition is disposed of directing the respondents to consider the representation of the petitioner, dated 27.08.2019 and pass orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

Sd/-

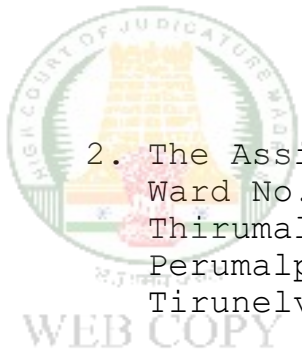
Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Commissioner of Labour,
DMS Compound,
Teynampet, Chennai-6.



2. The Assistant Commissioner of Labour (Enforcement),
Ward No.27, Vasantham Nagar,
Thirumal Nagar,
Perumalpuram Post,
Tirunelveli-627 007.

+1 CC to Mr.S.C.HEROLD SINGH, Advocate (SR-86410[F] dated
12/09/2019)
+1 CC to SPL.GP (SR-86557[F] dated 13/09/2019)

W.P. (MD) No.19589 of 2019
12.09.2019

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MK (26.09.2019) 3P 5C