



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.19604 of 2019

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R.Jayapaul

... 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

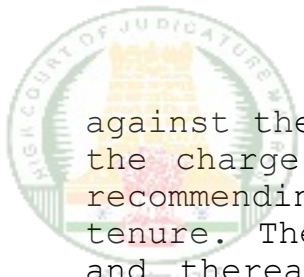
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd and 3rd respondents herein to implement the order of the 3rd respondent herein in செ.மு.எண்.ஜி1/019/2014, dated 05.01.2018 and 05.07.2019 and release the entire retirement benefits to the petitioner within a stipulated time.

For Petitioner	: Mr.D.Nallathambi
For R1	: Mr.S.Dhayalan
	Government Advocate
For R2 & R3	: Mr.P.Mahendran

ORDER

The writ petition has been filed for a direction to the 2nd and 3rd respondents herein to implement the order of the 3rd respondent herein in nr.K.vz;.N[1/019/2014, dated 05.01.2018 and 05.07.2019 and release the entire retirement benefits to the petitioner, within a stipulated time.

2.According to the petitioner, he has completed unblemished service of 34 ½ years in the Tamil Nadu Slum Clearance Board. He retired from service on 28.02.2014, on attaining the age of superannuation. He was relieved on superannuation, subject to the outcome of the disciplinary proceedings, which may be initiated



against the petitioner based on some audit objections. Subsequently, the charge memo dated 19.08.2014 was issued to the petitioner for recommending the extension of time to the contractors, during his tenure. The petitioner has submitted his explanation on 08.09.2014 and thereafter, he made a detailed representation on 29.09.2014, requesting the respondents to release all the pensionary benefits. The respondents did not pass any order on the representation of the petitioner and did not pay the pension. Hence, the petitioner has filed W.P(MD).No.6200 of 2016 before this Court and this Court by order dated 30.03.2016, directed the respondents to consider the payment of gratuity, provisional pension and other benefits payable to the petitioner, within a period of four weeks from the date of receipt of a copy of that order. Thereafter, the respondents sanctioned the provisional pension to the tune of Rs.12,80,000/-; a monthly provisional pension to the tune of Rs.60,123/- and surrender for earned and unearned leave salary to the tune of Rs.4,80,000/- from March 2014 to May 2016. Subsequently, all the charges against the petitioner were dropped by the first respondent, by G.O.(D). No.153, Housing and Urban Development Department, dated 27.11.2017. After that, the third respondent, by order dated 05.01.2018 sanctioned all the retirement benefits to the petitioner and the petitioner was informed that all the benefits will be paid. But, no amount was paid. Hence, the petitioner filed W.P(MD).No.13968 of 2018. This Court, by order dated 28.02.2019, directed 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, after giving opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of the order. After conducting enquiry, the third respondent has passed the order dated 05.07.2019, stating that the petitioner is entitled for all the retirement benefits. Again, the respondents have not paid any amount. Hence, the petitioner has come out with the present writ petition.

3.The first respondent has filed a counter affidavit stating that due to audit objection, the respondents are not in a position to pay the amount to the petitioner.

4.Heard Mr.D.Nallathambi, learned counsel appearing for the petitioner, Mr.S.Dhayalan, learned Government Advocate appearing for the first respondent and Mr.P.Mahendran, learned counsel appearing for the respondents 2 and 3.

5.Considering the contentions raised by the petitioner and the respondents and the earlier orders of this Court, the third respondent is directed to release the entire benefits to the petitioner, by implementing the orders, dated 05.01.2018 and 05.07.2019, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

msa

To

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

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-88679[F] dated 23/09/2019)

+1 CC to M/s.D. NALLATHAMBI, Advocate (SR-88800[F] dated 24/09/2019)

+1 CC to M/s.GP (SR-89034[F] dated 24/09/2019)

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KK/SAR/18.10.2019/3P-5C