

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 31334 OF 2013

M.Chinnaiyan

... Petitioner

Vs

- 1.The Secretary to Government
Municipal Administration and Water Supply
Department, Secretariat, Chennai 9.
- 2.The Commissioner
Municipal Administration and Water Supply
Department, Chepauk, Chennai 5.
3. The Director,
Local Fund Audit,
Kuralagam, Chennai 108.
4. The Commissioner,
Pollachi Municipality,
Pollachi. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the 3rd respondent to pass orders on the representation submitted by the petitioner dt 22.4.2013 based on the proposal forwarded by the 4th respondent for settlement of retirement benefits to the petitioner including Provisional Pension Gratuity Computation as on the date of retirement on 31.1.2013 along with interest within a time frame to be fixed by this Court.

For Petitioner : M/S.Dakshayani Reddy

For Respondents: Mr.A.N.Thambidurai, Spl.G.P for RR1 to 3
:Mr. G.Sankar for R4

ORDER

The writ petition has filed by the petitioner, to direct the 3rd respondent to pass orders on the representation submitted by the petitioner dt 22.4.2013 based on the proposal

forwarded by the 4th respondent for settlement of retirement benefits to the petitioner including Provisional Pension Gratuity Computation as on the date of retirement on 31.1.2013 along with interest within a time frame to be fixed by this Court.

2.The case of the petitioner is that the petitioner was working as a Revenue Assistant in the 4th respondent Municipality. While he was in service, a charge memo dated 13.01.2012 was issued based on Audit objections relating to assessment of property tax for vacant land without following the circular dated 19.03.2010; whereas the property tax was levied based on council resolution as per the Government Order. In this regard, explanation was given by the petitioner to the charges, but no final orders were passed. In the meanwhile, the petitioner reached the age of superannuation on 31.01.2013 and he was allowed to retire from service on the same day without prejudice to the charge memo dated 13.01.2012. The grievance of the petitioner is that his pension proposal has forwarded by the 4th respondent to the 3rd respondent as per the proceedings dated 13.07.2012, however the 3rd respondent has issued communication dated 14.02.2013 calling upon fresh proposal for payment of provisional pension due to pendency of charges along with consent letter from the petitioner to receive provisional pension. Thereafter the petitioner has also given consent letter dated 22.04.2013 to receive provisional pension due to delay in disposal of charges. In spite of the above, the charge memo as well as the payment of provisional pension to the petition is pending till date and no order was passed by the 3rd respondent on the representation dated 22.04.2013 submitted by the petitioner. Hence, the present petition has been filed.

3.Learned counsel appearing for the petitioner, on instructions submitted that it would suffice if this Court issues a direction to the 3rd respondent to consider the petitioner's representation dated 22.04.2013 and pass orders, within a reasonable time as fixed by this Court.

4.On the above contention, this Court heard the learned Special Government Pleader appearing for the respondents, who has no serious objections to such a direction being passed.

5.In view of the limited relief sought for, without going into the merits of the issue, this Court directs the 3rd respondent to consider the representation dated 22.04.2013, submitted by the petitioner in accordance with law within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

jrs

To

1. The Secretary to Government
Municipal Administration and Water Supply
Department, Secretariat, Chennai 9.
2. The Commissioner
Municipal Administration and Water Supply
Department, Chepauk, Chennai 5.
3. The Director,
Local Fund Audit,
Kuralagam, Chennai 108.
4. The Commissioner,
Pollachi Municipality,
Pollachi.

+1cc to Government Pleader SR.No.26130

W.P. NO.31334 OF 2013

VS (CO)
GMY (26/08/2020)

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