

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2020

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.37085 of 2015

S.Devapalan

... Petitioner

Vs.

1. The Commissioner,
Chennai City Municipal Corporation,
Ripon Building, Chennai 600 003.

2. The Regional Deputy Commissioner (Central),
Chennai City Municipal Corporation,
2nd Cross East, Pulla Avenue,
Shenoy Nagar, Chennai 600 030.

... Respondents

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other Writ or Direction or Order directing the first respondent to sanction and release the DCRG, Pension and Commutation of Pension to the petitioner, who was already retired from service on 30.06.2013, as per the proceedings of the Commissioner, Chennai City Municipal Corporation issued in Na.Ka.No.A4/1999/2013 dated 28.06.2013, within a reasonable period as may be fixed by this court.

For Petitioner : Mr.T.Ranganathan
For Respondents : Mr.G.Ananda Rangan

O R D E R

The writ petitioner was appointed as Surveyor on 14.09.1978 in the Chennai City Municipal Corporation and subsequently promoted as Junior Engineer in the year 1987 and on the date of retirement on superannuation on 30.06.2013, he was worked as Assistant Engineer. However, the first respondent has not released the DCRG, Pension and Commutation of Pension to the petitioner, as per the proceedings of the Commissioner, Chennai City Municipal Corporation dated 28.06.2013 and hence, he filed the present writ petition.

2. The 2nd respondent filed a status report, wherein it is stated that, on the date of superannuation on 30.06.2013,

the writ petitioner had an Joint Audit Objection of Rs.29,45,316/- along with two other officials namely N.Jyakumar and Yathukul Rao and after due concurrence from the Deputy Commissioner (R&F) vide his letter in N3/1126/2014 dated 24.02.2014, monthly Provisional Pension of Rs.13,705/- along with allowance has been granted to the petitioner. It is the contention of the 2nd respondent that since the petitioner has delayed in clearing his own audit objection, the process of terminal benefits has been delayed.

3. It is further stated in the Status report that the Zonal Officer, Zonal Office-8 had filed Audit objection Clearance Statement dated 28.12.2019, whereby the Audit objection pending with Zone-8 in Para nos.63, 65, 74, 66, 68, 75, 77 and 79 were deleted and the file with regard to the release of all terminal benefits of the writ petitioner was sent to the Account Officer (Pension) on 23.12.2019.

4. Accepting the Status report filed by the 2nd respondent, this court is inclined to pass the following order.

" The first respondent is directed to release the pension benefits to the petitioner, if he is eligible , within a period of 8 weeks from the date of receipt of a copy of this order."

5. With the above observation, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

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सत्यमेव जयते
Sub Assistant Registrar

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Ripon Building, Chennai 600 003.

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+1cc to Mr.T.Ranganathan, Advocate sr.266

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mr(co)
nr 04/02/2020



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