

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.35650 OF 2019

M.Shanmugam

... Petitioner

-Vs-

1. The Secretary to the Government,
Rural Development Department,
Secretariat, Chennai - 600 009.
 2. Commissioner and Director of
Rural Development Department,
Panagal Buildings, Saidapet, Chennai - 600 015.
 3. Director of Local Fund Audit
Integrated Complex for Finance Department,
(Panchayat Union Pensions),
4th Floor, Nandanam,
Chennai - 600 035.
 4. The Commissioner,
Cauverypakkam Panchayat Union,
Cauverypakkam, Vellore District.
- ... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the detailed representation of the petitioner dated 17.07.2019 for issuing suitable instructions to the 3rd respondent for sanctioning his due pension and other retirement benefits for which he is lawfully entitled for the service rendered by him with interest for the belated payment within a reasonable time.

For Petitioner : Mr.R.Rengaramanujam

For Respondents: Mr.P.S.Siva Shanmugasundaram,
Special Government Pleader for R1 to R3.
Mr.J.Ramesh,
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for issuance of Writ of Mandamus directing the respondent to consider the representation made by the petitioner on 17.07.2019 and pass suitable orders sanctioning the pension and other retirement benefits of the petitioner within the time fixed by this Court.

3.The case of the petitioner is that the petitioner was appointed as a contingent Watchman in the year 1986. His services was regularized as an Office Assistant by the 4th respondent by an order dated 12.01.1995. According to the petitioner, after putting in 26 years of service, he retired after attaining the age of superannuation on 30.06.2012. Thereafter, the 4th respondent had submitted the pension proposals of the petitioner to the 3rd respondent and the same was returned seeking for some clarification on the ground that the petitioner was only appointed as a contingent Watchman during the initial stages. According to the petitioner, the correspondence between the 4th and 3rd respondents is going on for the last seven years and the petitioner is only been sanctioned with minimum pension by an order dated 25.06.2018. The grievance of the petitioner is that he was recruited through the employment exchange as a contingent Watchman and necessary orders will have to be passed by the Government regularizing his services and only thereafter the decision with regard to the entitlement of the pension can be taken. The petitioner is already aged about 67 years and he is finding it very difficult to take care of himself with the minimum pension. Aggrieved by the inaction on the part of the respondents, the present writ petition has been filed.

4.Heard the submissions made on either side and considered the materials on record.

5.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 3rd respondent to consider the representation made by the petitioner dated 17.07.2019 after getting all the particulars from the 4th respondent and forward the same to the first respondent for getting appropriate orders within a period of four weeks from the date of receipt of copy of this order. The 1st respondent on receipt of the entire records from the 3rd respondent, shall pass appropriate orders in accordance with law within a period of six weeks thereafter. Considering the age of the petitioner and his dire financial requirements, the respondents are

directed to strictly comply with the time frame that has been fixed by this Court and pass appropriate orders. The petitioner is directed to make a fresh representation along with a copy of this order to the 3rd respondent and mark a copy of the same to the 4th and the 1st respondents.

6.This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government,
Rural Development Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner and Director of
Rural Development Department,
Panagal Buildings,
Saidapet, Chennai - 600 015.
3. The Director of Local Fund Audit
Integrated Complex for Finance Department,
(Panchayat Union Pensions),
4th Floor, Nandanam,
Chennai - 600 035.
4. The Commissioner,
Cauverypakkam Panchayat Union,
Cauverypakkam,
Vellore District.

+1cc to Mr.R.Rengaramanujam, Advocate, S.R.No.119

W.P.No.35650 of 2019

RSV(CO)
CS/06/02/2020