



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2020

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WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.7910 of 2020

and

W.M.P (MD) .No.7373 of 2020

R.Balakrishnan

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep., by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-9.

2.The Director of Rural Development and Panchayat Raj,
Directorate of Rural Development and Panchayat Raj,
Panagal Building, Chennai-600 015.

3.The District Collector,
Madurai District,
Madurai.

4.The Personal Assistant to District Collector (Development),
O/o. The Collector Office Campus,
Madurai District,
Madurai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to sanction and disburse all retirement & monetary benefits of the petitioner along with the accrued interest thereon in pursuant to the order passed by the third respondent vide his proceedings e.f.vz;.47772/2019/C-t-9 dated 30.03.2020 allowing the petitioner to retire from service within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader



ORDER

Prayer sought for herein is for a Writ of Mandamus, directing the respondents to sanction and disburse all retirement & monetary benefits of the petitioner along with the accrued interest thereon, in pursuant to the order passed by the third respondent vide his proceedings e.f.vz;.47772/2019/C-t-9, dated 30.03.2020.

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

3.The petitioner was working as Block Development Officer, Village Panchayat, at Thiruparangundram Panchayat Union, Madurai District, from where, on superannuation, he retired from service on 31.03.2020. By proceedings, dated 30.03.2020, the third respondent/ District Collector permitted the petitioner to retire from service. However, retaining the disciplinary proceedings initiated against him under Rule 9 of the Tamil Nadu Pension Rules, 1978.

4.In view of the said conditional relieving order, the petitioner was able to get only the surrender leave salary and Special, General Provident Fund. However, his other retiral benefits, like gratuity, Employees Provident Fund and pension has not been received. Therefore, in order to get those retiral benefits and pensionary benefits, the petitioner has given a representation on 02.06.2020 to the third respondent, who since has not so far considered the same, the petitioner has approached this Court.

5.Heard Mr.H.Mohammed Imran, learned counsel for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents.

6.The learned Special Government Pleader appearing for the respondents would submit that, the said request of the petitioner dated 02.06.2020 would be considered and decided by the third respondent on merits and in accordance with law, within a time frame to be stipulated by this Court.

7.Considering the limited scope of the prayer sought for herein and by taking into account the submissions made by the learned Special Government Pleader for the respondents, this Court is inclined to dispose of this writ petition with the following directions:

'that the respondents, especially, the third respondent is hereby directed to consider the request of the petitioner, dated 02.06.2020 and pass order thereon, on merits and in accordance with law, with regard to the grievance of the petitioner to get the



retirement and pensionary benefits, as claimed by the petitioner in his representation, within a period of eight (8) weeks from the date of receipt of a copy of this order.'

8. With these directions, this Writ Petitions is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

rmk

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Secretary to Government,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-9.
2. The Director of Rural Development and Panchayat Raj,
Directorate of Rural Development and Panchayat Raj,
Panagal Building, Chennai-600 015.
3. The District Collector,
Madurai District,
Madurai.
4. The Personal Assistant to District Collector (Development),
O/o. The Collector Office Campus,
Madurai District, Madurai.

W.P. (MD)No.7910 of 2020

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