



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.8081 of 2020

and

W.M.P. (MD) No.7507 of 2020

(Through Video conferencing)

WEB COPY

B.Noor Mohamed

...Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Labour and Employment, Secretariat,
Chennai.
- 2.The Commissioner of Employment and Training,
O/o.the Commissioner of Employment and Training,
Guindy, Chennai - 600 032.
- 3.The Regional Training Joint Director,
O/o.the Regional Training Joint Director,
NGO Colony, Perumalpuram Post,
Tirunelveli District.

...Respondents

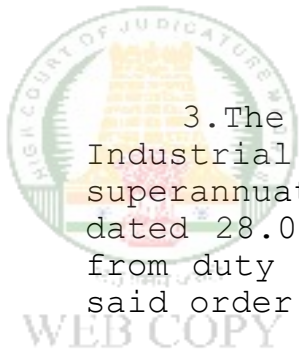
Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to sanction and disburse all retirement & monetary benefits of the petitioner along with the accrued interest thereon in pursuant to the order passed by the 2nd respondent vide his proceedings Proc.No.1648/Esttl/2019 dated 28.02.2019 allowing the petitioner to retire from service within the period that may be stipulated by this Court.

For Petitioner	: Mr.M.Mohammed Imran for M/s.Ajmal Associates
For Respondents	: Mr.S.Dhayalan, G.P.

ORDER

The 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 2nd respondent vide his proceedings Proc.No.1648/Esttl/2019 dated 28.02.2019 allowing the petitioner to retire from service, within the period that may be stipulated by this Court.

2.Heard Mr.M.Mohammed Imran, for M/s.Ajmal Associates, learned counsel appearing for the petitioner and Mr.S/Dhayalan, learned Government Advocate appearing for the respondents.



3.The petitioner was working as a Principal at Veerakealampudur Industrial Training Institute at the respondent department and on superannuation, he retired from service on 28.02.2019 and by order dated 28.02.2019 issued by the 2nd respondent, he has been relieved from duty on attaining superannuation. The relevant portion of the said order read thus:

"Consequent on the G.O. cited the following additional charge arrangement is ordered.

Tmt.S.Meenakshi, Training Officer, Government Industrial Training Institute, Veerakeralampudur is directed to hold the post of Principal, Government Industrial Training Institute, Veerakeralampudur as full additional charge until further orders and to relieve Thiry.B.Noor Mohammed, Principal, Government Industrial Training Institute, Veerakeralampudur to retire from service on the A.N. of 28.02.2019."

4.Thereafter, the petitioner's pension paper has already been filed and in this regard, on 13.04.2019, 01.06.2019 and 10.12.2019, the petitioner has given representation to the respondents to clear his pension papers and sanction the pension and other retirement benefits. However, so far, the pensionary and other benefits payable to the petitioner has not been settled and no order to that effect has been passed by the respondents. Therefore, the petitioner is before this Court.

5.I have heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6.The learned Government Advocate would submit that, since the petitioner retired on 28.02.2019, pension papers would be considered based on his representations referred to above and accordingly, final order would be passed with regard to the sanctioning of the pension and other retirement benefits to the petitioner within a period to be stipulated by this Court.

7.Considering the said submission made by both sides and taking into account the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following order:

"the respondents, especially, the 2nd respondent is hereby directed to consider the representations of the petitioner dated 13.04.2019, 01.06.2019 and 10.12.2019 and pass orders thereon, on merits and in accordance with law, with regard to the sanctioning of the pension and other retirement benefits payable to the petitioner, for which, he is entitled and he has been waiting from 28.02.2019 on the date of which, he retired on superannuation and relieved from duty. The said exercise shall be undertaken by the 2nd respondent and final order shall be passed sanctioning the pension and other



benefits, within a period of 8 weeks from the date of receipt of a copy of this order."

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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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 Principal Secretary to Government,
State of Tamil Nadu,
Labour and Employment, Secretariat,
Chennai.
2. The Commissioner of Employment and Training,
O/o. the Commissioner of Employment and Training,
Guindy, Chennai - 600 032.
3. The Regional Training Joint Director,
O/o. the Regional Training Joint Director,
NGO Colony, Perumalpuram Post,
Tirunelveli District.

Order made in
W.P. (MD) No. 8081 of 2020

27.07.2020

SPU(12.08.2020) 3P 4C