



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.12.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.18504 of 2020

R.Alaguraj

... Petitioner

Vs

1.The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet,
Chennai 600 015.

2.The Accountant General,
Office of the Accountant General (A&E),
Madurai -20.

3.The District Forest Officer,
Madurai Forest Division,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to refund amount paid by the petitioner for the omitted period of 63 months (out of 117 months) under contributory pension scheme with permissible interest within a reasonable time.

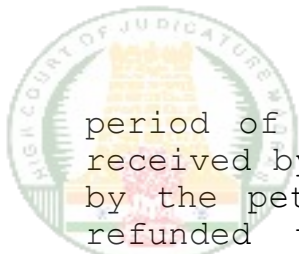
For Petitioner	:	Mrs.A.S.Rajeswari
For R1 & R3	:	Mr.M.Jeyakumar
		Additional Government Pleader
For R2	:	Mr.P.Gunasekaran

ORDER

This Writ Petition is filed to direct the respondents to refund the amount, which was paid by the petitioner under contributory pension scheme for the omitted period of 63 months with interest.

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

3.It is the grievance of the petitioner that on attaining the age of superannuation, he was retired from service as Forest Watcher on 31.07.2013. During the service period, the petitioner has paid contribution for 117 months under CPS scheme and after sanctioning of regular pension, the amount paid by him under SPC scheme for a



period of 54 months has been refunded and the same has also been received by him. The remaining period of 63 months contribution paid by the petitioner was omitted to be paid and the same has to be refunded to him. In this regard, the petitioner has made a representation, dated 07.08.2019 to the respondents, but the same has not been considered so far by the respondents. Hence, the present writ petition.

4.In reply, Mr.M.Jeyakumar, learned Additional Government Pleader appearing for the respondents 1 and 3 would fairly submit that if the petitioner is entitled for any amount, legally, the same shall be refunded to him, by considering the representation, dated 07.08.2019, within a period of eight weeks.

5.In view of the submission made by the learned counsel on either side, this Court is inclined to pass the following directions:-

i) the respondents are directed to consider the petitioner's representation, dated 07.08.2019 and dispose of the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order; and

ii) if any amount is arrived at by the respondents with regard to the claim of the petitioner, the same shall be paid to the petitioner within a period of four months therefrom along with permissible interest;

6.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

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 Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai 600 015.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Forest Officer,
Madurai Forest Division,
Madurai.

+1 CC to M/s A.S.Rajeswari ,Advocate,in SR.No.25508 of 2020.

+1 CC to Special Government Pleader SR.No.25732 of 2020.

W.P. (MD) No.18504 of 2020

15.12.2020

(SJ)CO

AP(07/01/2021) 3P 5C