

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.4053 of 2021

P.K.Madhaiyan

.... Petitioner

Vs

1. The State of Tamil Nadu,  
rep. by its Secretary to Government,  
Municipal Administration &  
Water Supply Department,  
Secretariat, Fort St. George,  
Chennai 600 009.
  2. The Director of Town Panchayat,  
7<sup>th</sup> and 8<sup>th</sup> Floor,  
Municipal Administration Building,  
75, Santhome Road,  
Raja Annamalaipuram,  
Chennai 600 028.
  3. The District Collector,  
Salem District, Salem.
  4. The Assistant Director of Town Panchayat,  
Salem Zone Collectorate,  
Salem.
- .... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to settle the retirement benefits due to the petitioner from the date of retirement, consequent to the order of compulsory retirement issued by the second respondent in Na.Ka.No.18215-1/2011/A1 dated 09.02.2019 including DCRG, Earned and unearned leave encashment and other pensionary benefits immediately, by considering the representation submitted by the petitioner dated 23.09.2019 along with interest for the delay in payment of retirement benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.R.A.S.Senthilvel,  
Additional Government Pleader

O R D E R

Mr.R.A.S.Senthilvel, learned Additional Government Pleader takes notice on behalf of the respondents. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed, seeking a direction to the respondents to consider the representation submitted by the petitioner dated 23.09.2019 and settle the retirement benefits due to him from the date of retirement, along with interest, within a time frame to be fixed by this Court.

3.The case of the petitioner is that he joined as Bill Collector in the Town Panchayat Service on 04.08.1982. Subsequently, he was promoted as Grade II Executive Officer on 06.09.2002, as Grade-I Executive officer on 14.03.2006 and further selection Grade Executive officer on 01.05.2008. While so, based on audit objection, he was suspended from service on 25.05.2015 on the verge of retirement. He submitted his explanation to the charge memo. Consequently, enquiry was conducted, but no final order was passed. Thereafter, as per the order passed in WA.No.2569 of 2018, the second respondent passed an order dated 09.02.2019 imposing the punishment of compulsory retirement, pursuant to which, the petitioner is entitled for pensionary benefits of 2/3<sup>rd</sup> DCRG and the remaining 1/3<sup>rd</sup> is liable to be recovered as per Rule 39 of the Tamil Nadu Pension Rules. However, the petitioner has not been paid any amount. Hence, he made a representation on 23.09.2019 to the respondents seeking pensionary benefits including DCRG, Earned and Unearned Leave encashment etc. Finding no response on the same, the present writ petition came to be filed for the aforesaid relief.

4.Heard both sides and perused the materials placed before this Court.

5.Considering the limited relief sought in this writ petition, this Court directs the respondents to consider the representation of the petitioner dated 23.09.2019 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6.The Writ Petition is disposed of with the above direction.  
No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

- 1.The Secretary to Government,  
The State of Tamil Nadu,  
Municipal Administration &  
Water Supply Department,  
Secretariat, Fort St. George,  
Chennai 600 009.
- 2.The Director of Town Panchayat,  
7<sup>th</sup> and 8<sup>th</sup> Floor,  
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- 3.The District Collector,  
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- 4.The Assistant Director of Town Panchayat,  
Salem Zone Collectorate,  
Salem.

+1 cc to Mr.G.Sankaran, Advocate Sr.No. 11380  
+1 cc to The Government Pleader Sr.No. 11904

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GPL(CO)  
RMP(24/03/2021)

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