



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.7943 of 2021
and W.M.P(MD)No.6052 of 2021

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... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education (K1) Department,
Secretariat, Chennai - 9.

2.The Registrar,
Madurai Kamaraj University,
Madurai - 625 021.

3.The Vice-Chancellor,
Vice-Chancellor's Office,
Madurai Kamaraj University,
Madurai - 625 021.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to disburse the remaining retirement benefits viz., pension 10%, Gratuity 25%, Commutation, leave salary etc., and all other attendant benefits with an accrued interest thereon for the belated payment of monetary benefits at the rate of 18% within the period stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
(for M/s.Ajmal Associates)

For R - 1 : Mr.C.M.Mari Chelliah Prabhu
(Additional Government Pleader)

For RR 2 & 3 : Mr.K.Ragatheesh Kumar
(for M/s.Isaac Chambers)



ORDER

This Writ Petition is filed seeking for a Writ of Mandamus, directing the second respondent to disburse the remaining retirement benefits viz., pension 10%, Gratuity 25%, Commutation, leave salary etc., and all other attendant benefits with an accrued interest thereon for the belated payment of monetary benefits at the rate of 18% within the period stipulated by this Court.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader accepts notice on behalf of the first respondent and Mr.K.Ragatheesh Kumar, learned counsel accepts notice on behalf of the respondents 2 and 3.

3.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, she was initially appointed as Lab Assistant on 31.10.1984 at Madurai Kamaraj University, Madurai and she was promoted as Technical Officer (Special Grade) on 06.05.2005 and thereafter, on attaining the age of superannuation, she retired from service on 31.03.2019. Though the petitioner retired from service as early as on 31.03.2019, she was not given all the retirement benefits. Seeking disbursement of remaining retirement benefits, the petitioner sent representations, dated 10.02.2021 and 13.03.2021 respectively to the respondents. Since no action has been taken on the side of the respondents, the petitioner has come out with the present Writ Petition.

5.Mr.K.Ragatheesh Kumar, learned counsel appearing for the respondents 2 and 3 submitted that the Local Fund Audit Department of the Madurai Kamaraj University directed the second respondent to process the pension proposal and pass orders in the light of G.O(Ms)No.110, dated 12.06.2018. The learned counsel further submitted that the petitioner is entitled to get the retirement benefits only as per G.O(Ms)No.110, dated 12.06.2018.

6.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3.

7.Considering the rival submissions made on either side, without deciding the issue on merits, the second respondent is directed to consider the representation of the petitioner, dated 13.03.2021, for payment of full pension and balance of retirement benefits and pass orders within a period of eight weeks from the date of receipt of a copy of this order.



8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ps

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,
Higher Education (K1) Department,
Secretariat,
Chennai - 9.

+1 CC to M/s.SPL GP (SR-16521[F] dated 19/04/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-16130[F] dated 17/04/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-16371[F] dated 19/04/2021)



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