



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P. (MD)No.18887 of 2017

WEB COPY

S.R.Premnath

... Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Deputy Director,
Local Fund Audit,
Corporation Audit Department,
Madurai Corporation, Madurai.

3.The Assistant Commissioner (Accounts),
Madurai Corporation Central Office,
Anna Maaligai, Thallakulam,
Madurai-625 002.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider the representation dated 09.03.2017 of the petitioner and forthwith pay the interest on the entire amount of Rs.11,73,278/- to the petitioner at the rate of 12% per annum for the period from 01.02.2011 to 31.05.2015.

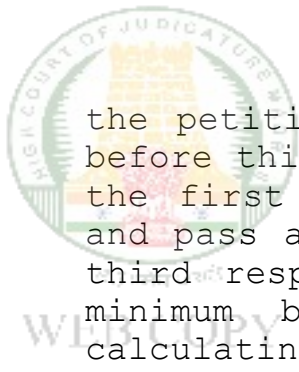
For Petitioner	: Mr.AL.Gandhimathi
For R1 & R2	: Mr.T.S.Mohammed Mohideen Standing Counsel
For R3	: Mr.A.Karthick Government Advocate

O R D E R

This writ petition has been filed for a direction to the respondents to consider the representation of the petitioner, dated 09.03.2017 and forthwith pay the interest on the entire amount of Rs.11,73,278/- to the petitioner at the rate of 12% per annum for the period from 01.02.2011 to 31.05.2015.

2. The case of the petitioner is that the petitioner was appointed as Junior Assistant in Madurai Corporation, on 10.10.1977 and retired from service on 31.01.2011. Even after the retirement, the terminal benefits were not settled to him. Hence,

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



the petitioner filed a writ petition in W.P.(MD).No.9852 of 2011 before this Court. This Court, by order dated 18.08.2011, directed the first respondent to consider the petitioner's representation and pass appropriate orders. In compliance of the said order, the third respondent, by proceedings dated 02.11.2011, ordered that minimum basic pension shall be paid to the petitioner by calculating Rs.3,050/- per month from 01.02.2011 to 31.10.2011. In the mean while, disciplinary proceeding was initiated against the petitioner and an enquiry officer was appointed and ultimately, by proceedings dated 30.12.2014, it was found that there was no material to prove the charges against the petitioner. Thereafter, the third respondent has passed an order on 26.11.2013, directing to pay 75% of the total pension which is due and payable to the petitioner with effect from 01.11.2013. Again, the petitioner has made a representation to the respondents, to grant full pensionary and other service benefits with effect from 01.02.2011, ie., from the date of his retirement. Further, the second and third respondents have also passed orders on 11.06.2015, directing the first respondent to pay the pensionary benefits to the petitioner with effect from 01.02.2011. Again, the petitioner sent several representations to the respondents for payment of interest. However, there is no response from the respondents. Hence, the petitioner has filed a writ petition in W.P.(MD).No.23110 of 2016 before this Court and this Court, by order dated 01.12.2016, directed the first respondent to consider the petitioner's representation, dated 24.08.2016 and pass orders, on merits and in accordance with law, within a period of four weeks. In compliance of the said order, the first respondent by order dated 25.01.2017, observed that the amount due to the petitioner has already been paid and the commuted pension has also been paid and there is no necessity for payment of any interest. Hence, the petitioner has made a representation to the first respondent on 09.03.2017. However, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the first respondent to dispose of the representation of the petitioner, dated 09.03.2017, on merits and in accordance with law, within a specified period.

4. The learned Standing counsel appearing for the respondents 1 and 2 has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the



petitioners' representation, dated 09.03.2017 and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Madurai Corporation,
Madurai.

2.The Deputy Director,
Local Fund Audit,
Corporation Audit Department,
Madurai Corporation, Madurai.

3.The Assistant Commissioner (Accounts),
Madurai Corporation Central Office,
Anna Maaligai, Thallakulam,
Madurai-625 002.

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-12391[F] dated 19/03/2021)

+1 CC to MR.T.S.MOHAMED MOHIDHEEN, Advocate (SR-12425[F] dated 19/03/2021)

+1 CC to SPL GP (SR-12512[F] dated 19/03/2021)

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