



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8619 of 2022

N.Ramakrishnan
S/o.Narayanasamy

...Petitioner

Vs

1.The Principal Secretary to the Government,
Secretariat, Fort St. George,
Chennai- 600 009.

2.The Commissioner of Municipal Administration,
Chennai- 600 028.

3.The Municipal Commissioner,
Cuddalore Municipality,
Cuddalore District.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a WRIT OF MANDAMUS directing the respondents herein to disburse entire gratuity, Earned Leave, Commutation of Pension, Employees Retirement Benefit Scheme (ERBS) and Dearness Allowance, Pension and other retirement benefits payable to the Petitioner with reasonable rate of interest in the light of the Apex court Decision reported in (State of Jharkhand and Ors Vs Jitendra Kumar Srivastava and Anr) within the time frame that may be stipulated by this Hon'ble Court.

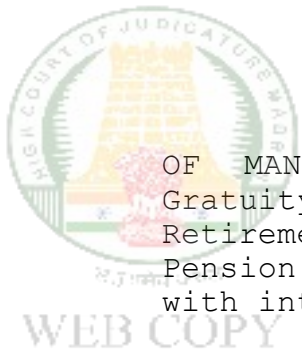
For Petitioner : Mr.A.Raja Kumar

For Respondents : Mrs.S.Anitha,
Special Government Pleader

ORDER

Today, this writ petition is listed along with W.P.No.8617 of 2022. By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself and hence, this matter is de-linked from the above writ petition.

2. This writ petition has been filed seeking to issue a WRIT



OF MANDAMUS directing the respondents to disburse entire Gratuity, Earned Leave, Commutation of Pension, Employees Retirement Benefit Scheme (ERBS) and Dearness Allowance, Pension and other retirement benefits payable to the Petitioner with interest.

3. The case of the petitioner in brief:

The petitioner was working as Executive Engineer in Town Panchayats, Cuddalore Municipality and he was placed under suspension on the date of his superannuation, vide G.O.(2D) No.38 dated 31.05.2019. Further, the petitioner was not paid retirement benefits and the action of the respondents is highly illegal and violation of Article 300 A of the Constitution of India. Hence this writ petition.

4. The learned Special Government Pleader appearing for the respondents submitted that, since the petitioner was not allowed to retire from service on the date of his superannuation, he is not entitled to get the entire terminal benefits and he is entitled to get only the eligible amounts, under the provisions of law. However, if the petitioner made representation to the authorities concerned, the same will be considered and appropriate orders will be passed by them on its own merits.

5. In view of the above submission and considering the limited scope of prayer and to meet the ends of justice, without expressing any opinion on merits, the following order is passed.

i) The petitioner is directed to give representation to the third respondent, within one week from the date of receipt of a copy of this order.

ii) On such representation being made by the petitioner, the third respondent is directed to consider the same and pass orders on its own merits and in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of the representation.

6. With the above direction, this writ petition is disposed of No costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

mst



To

1.The Principal Secretary to the Government,
Secretariat, Fort St. George,
Chennai- 600 009.

2.The Commissioner of Municipal Administration,
Chennai- 600 028.

3.The Municipal Commissioner,
Cuddalore Municipality,
Cuddalore District.

+1cc to the Government Pleader, Advocate, S.R.No.24528

[09/06/2022]

W.P.No.8619 of 2022

NK(CO)
SP(27/04/2022)