



W.P.No.16058 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.16058 of 2022

M.N.Pushpa

... Petitioner

Vs.

The Principal Secretary to Government,
Tourism, Culture and Religious Endowments
Department, Fort St. George,
Chennai-9.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to settle the retirement benefits to the petitioner namely, computation of pension and Pay Commission arrears in the light of the representation dated 20.04.2022 made by the petitioner, within a reasonable time frame, as fixed by this Court.

For Petitioner : Mr.K.Venkataramani, Senior Counsel

For Respondents : Mr.S.Rajesh, Gov. Advocate



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ORDER

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This writ petition has been filed seeking to issue a Writ of Mandamus, directing the respondent to settle the retirement benefits to the petitioner.

2. By consent of counsels for both the parties, this writ petition is disposed of at the admission stage itself.

3. The petitioner was appointed as Guide to Natural History Section in the Department of Museum on 09.03.1979. On the date of her superannuation on 31.10.2016, she had been facing disciplinary proceedings, however, she was allowed to retire from service. Thereafter, final order passed on 12.02.2021, imposing punishment of cut in pension of Rs.500/- for three months. Since the disciplinary proceedings was concluded and final order has been passed, the petitioner is entitled to receive the retirement benefits. Hence, she made representation on 20.04.2022. However, it was not considered. Hence this writ petition.



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4. The learned counsel appearing for the petitioner submitted that there is no other disciplinary proceedings pending against the petitioner, except one case, which has been concluded as stated above. He further submitted that, the terminal benefits of the petitioner cannot be withheld by the respondent and as against the above final order, the petitioner has preferred an Appeal. Thus, the respondent may be directed to settle the retirement benefits to the petitioner.

5. The learned Government Advocate appearing for the respondent submitted that, the representation of petitioner will be considered and appropriate orders will be passed by the authorities concerned.

6. 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 respondent is directed to consider the representation of the petitioner dated 20.04.2022 and to pass orders on its own merits and in accordance with law, as early as possible, within a period of twelve



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weeks from the date of receipt of a copy of this court.

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

28.06.2022

Index:Yes/No
Internet:Yes/No
mst

To

The Principal Secretary to Government,
Tourism, Culture and Religious Endowments
Department, Fort St. George, Chennai-9.



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D. KRISHNAKUMAR, J.

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