



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction**

Wednesday, the Third day of March Two Thousand AND Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

WP(MD)No.600 of 2021

R.Sundararajan

... Petitioner

/ VERSUS /

1. The Commissioner,
Commercial Tax Department,
Ezhilagam, Chennai.
2. The Joint Commissioner,
Commercial Tax Department,
Dr.Thangaraj Salai,
Madurai-625 020.
3. The Deputy Commissioner,
Commercial Tax Office, Dindigul.
4. The Principal Accountant General (A and E),
Government of Tamilnadu,
361,Anna Salai, Chennai-600 018.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to disburse the petitioner monthly pension including all the retirement benefits on the basis of the petitioner application dated 14.10.2015 within the time stipulated by this Court.

ORDER:- This Writ Petition coming up for hearing on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Paramasivam, Advocate for the Petitioner and of Mrs.J.Padmavathidevi, Special Government Pleader on Behalf of the Respondents 1 to 3 and of Mr.P.Gunasekaran, Standing Counsel For the 4th Respondent, this Court made the following order:

The petitioner herein retired from his service on 28.05.2015. Though he is eligible for the monthly pension, the same has not been disbursed to him till date on the ground that certain particulars of his service in various offices of the second respondent has not been received by them. It is stated by the petitioner that he has been continuously requesting the respondents



to release his monthly pension. The present writ petition seeking for issuance of Mandamus to disburse the monthly pension is owing to the inaction on the part of the respondents in considering his request.

2. When the writ petition came up for hearing on 19.01.2021 and 16.02.2021, the respondents were granted time to get instructions in this regard. Today, the learned Special Government Pleader produced a copy of the communication from the third respondent to the second respondent, dated 29.12.2020, stating that they are awaiting reports from the offices, in which the petitioner had served.

3. On a *prima facie* view, the reasoning does not seem acceptable at all. Apparently, the third respondent as well as the second respondent herein have been lethargic in considering the petitioner's request for disbursement of the petitioner's monthly pension, which is pending disbursement for more than 5 years. Accordingly, the second and third respondents are called upon to be physically present before this Court on 17.03.2021, along with the entire file relating to the petitioner's service, evidencing the steps initiated by them in tracing the petitioner's service records.

4. Call the matter on 17.03.2021 at 2.30 p.m.

Sd/-

Assistant Registrar

// True Copy //

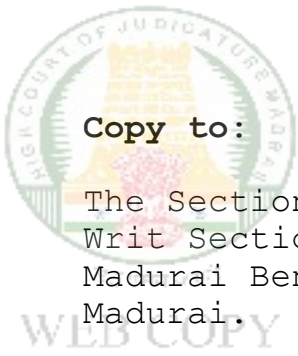
/ /2021

Sub Assistant Registrar(CS)

TM

TO

1. The Commissioner,
Commercial Tax Department,
Ezhilagam, Chennai.
2. The Joint Commissioner,
Commercial Tax Department,
Dr. Thangaraj Salai,
Madurai-625 020.
3. The Deputy Commissioner,
Commercial Tax Office, Dindigul.
4. The Special Govt. Pleader,
Madurai Bench of Madras High Court,

**Copy to:**

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 03/03/2021

**HEARING DATE : 17/03/2021
at 2.30 p.m**

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ORDER

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WP (MD) No. 600 of 2021

Giving direction and etc.
as stated within.

KK & TR -05/03/2021 -3P/6C