



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.22963 of 2019

WEB COPY

Seeni Oli Mohamed

... Petitioner

Vs.

1.The Principal Secretary to Government
Health and Family Welfare Department
Fort St. George,
Chennai 600 009.

2.The Director of Medical and Rural Health Services,
Chennai 600 006.

3.The Project Officer,
Tamil Nadu Health System Project
DMS Annexe Building, Tenampet
Chennai 600 006.

... Respondents

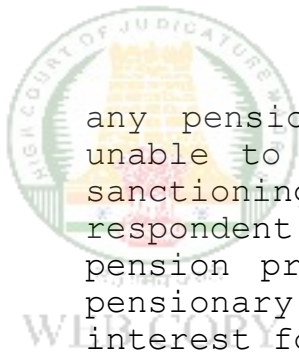
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to grant the petitioner all pensionary benefits forthwith with admissible interest within a specific time as fixed by this Court.

For Petitioner	: Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
For Respondents	: Mr.D.Sadiq Raja Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to grant the pensionary benefits to the writ petitioner.

2.The learned Additional Government Pleader brought to the notice of this Court that the petitioner was imposed with the punishment of compulsory retirement by the Government in G.O.(D) No.417 Health and Family Welfare Department dated 09.03.2016. Pursuant to the punishment of compulsory retirement, the Government issued the consequential order in G.O.(D) No.702 Health and Family Welfare Department dated 24.04.2018. Regarding settlement of pensionary benefits as per the punishment of compulsory retirement, the learned Additional Government Pleader made a submission that pursuant to the Government order, the petitioner has not submitted



any pension proposal. Therefore, the authorities competent are unable to sanction the same. Thus, there is no wilful delay in sanctioning the pension. The counter affidavit filed by the respondent also reveals that the petitioner has not submitted pension proposal and there is no wilful delay in sanctioning the pensionary benefits to the petitioner and therefore, payment of interest for belated payment does not arise.

3. In view of the facts and circumstances, the petitioner is at liberty to submit the pension proposal along with all necessary documents to the competent authority and in the event of submitting any such pension proposal, the competent authority shall consider the same and take a decision and pass orders on merits as expeditiously as possible.

4. The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To:

1.The Principal Secretary to Government
Health and Family Welfare Department
Fort St. George,
Chennai 600 009.

2.The Director of Medical and Rural Health Services,
Chennai 600 006.

3.The Project Officer,
Tamil Nadu Health System Project
DMS Annexe Building, Tenampet
Chennai 600 006.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-22049[F] dated
28/04/2022)

+1 CC to M/s.SPL.GP. (SR-22079[F] dated 28/04/2022)

W.P. (MD)No.22963 of 2019

27.04.2022

RD(16.05.2022) 2P 6C