



Writ Petition No.3203 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3203 of 2023

S.Paulraj

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep., by its Principal Secretary,
Co-operation, Food and Consumer Protection Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Accountant General of Tamil Nadu (A&E),
O/o.The Accountant General of Tamil Nadu,
361, Anna Salai, Rostrevor Garden,
Teynampet,
Chennai – 600 018.
3. The Registrar of Co-op Societies,
Kilpauk,
Chennai – 600 010.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the third respondent to release the retirement benefits due to him as sanctioned by the proceedings in AG(A&E)/PEN P27/12726968/2/R2716282 dated



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22.09.2022 of the 2nd respondent along with leave salary without further delay.

For Petitioner : Mr.S.Venkataraman

For Respondents : Mr.Vijayashankar
Standing counsel for R2

Mrs.M.Jayanthi
Additional Government Pleader[R1 & R3]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the third respondent to release the retirement benefits sanctioned to the petitioner through proceedings dated 22.09.2022 along with leave salary, by considering the representation made by the petitioner on 29.11.2022, within the time limit fixed by this Court.

2. The case of the petitioner is that he was working as a Joint Registrar of Co-operative Societies and he was due to retire on 30.06.2005. However, he was suspended from service and he was retained in service due to the pendency of disciplinary proceedings. Apart from the disciplinary proceedings, the petitioner also faced criminal proceedings and surcharge proceedings. Ultimately, the petitioner was



permitted to retire from service and his suspension was revoked. The petitioner thereafter made a representation seeking for releasing of terminal benefits. Since the same was not considered, the petitioner filed a writ petition in W.P.No.9022 of 2021 and this writ petition was disposed of by an order dated 09.04.2021 directing the first respondent to consider the representation and to take a decision within a period of four (4) weeks.

3. Pursuant to the above order, the first respondent through letter dated 14.07.2022 informed the petitioner that the surcharge amount of Rs.81,97,628/- and yet another amount of Rs.27,54,842/- are pending recovery from the petitioner. The said amount was not able to be recovered from the DCRG and hence steps are being taken to invoke the provisions of the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864).

4. After the above order was passed by the first respondent, the third respondent took up the matter with the second respondent for sanction of the retirement benefits and the second respondent through proceedings dated 22.09.2022 informed the third respondent that the



pension can be sanctioned with effect from 01.07.2005 and DCRG to the tune of Rs.3,50,000/- can be paid. That apart, the petitioner is also eligible to get the benefit of the encashment accumulated towards earned leave.

5. The grievance of the petitioner is that the third respondent did not disburse the amount and the petitioner was making several representations in this regard. Left with no other option, the present writ petition has been filed before this Court seeking a direction to the third respondent to release the retiral benefits due to the petitioner as was sanctioned by the second respondent through proceedings dated 22.09.2022.

6. Heard Mr.S.Venkataraman, learned counsel for the petitioner, Mrs.M.Jayanthi, learned Additional Government Pleader appearing for respondents 1 and 3 and Mr.Vijayashankar, learned Standing Counsel appearing for the second respondent.

7. Taking into consideration the limited relief sought for in this



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writ petition and without going into the merits of the case, there shall be a direction to the third respondent to act upon the proceedings of the second respondent dated 22.09.2022 and take a final decision within a period of six (6) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the third respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the second respondent.

Accordingly, this Writ Petition is disposed of with the above direction. No costs.

07.02.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

rap/gm



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N.ANAND VENKATESH, J

rap

To

1. The Principal Secretary,
The Government of Tamil Nadu,
Co-operation, Food and Consumer Protection Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Accountant General of Tamil Nadu (A&E),
O/o.The Accountant General of Tamil Nadu,
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