IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.3470 of 2018

M.Balaraman ... Petitioner

Vs.

1. The Tahsildar,
   Vellore Taluk,
   Vellore.

2. The District Collector,
   Vellore District.
   Vellore.

3. The Principal Accountant General,
   O/o. The Principal Accountant General,
   AG's office complex,
   361, Annasalai, Teynampet,
   Chennai - 600018. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider and pass orders on petitioner's representations dated 05.05.2017 and 30.11.2017 by granting him pension, gratuity, provident fund, leave encashment, etc. with all consequential benefits including arrears of pension with interest at the rate of 18% per annum.

For Petitioner : M/s.Y.Kavitha
For M/s.Giridhar and Sai

For R1 & R2 : Mr.M.Shahjagan
Special Government Pleader

For R3 : Mr.V.Murali

ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider and pass orders on the petitioner's representations dated 05.05.2017 and 30.11.2017 by granting him pension, gratuity, provident fund, leave encashment, etc. with all consequential benefits including arrears of pension with interest at the rate of 18% per annum.

2. The case of the petitioner as averred in the petition is as follows:

i) The petitioner was appointed to the post of Part-time Village Assistant during the year 1974. Subsequently, the post of Part-time Village Assistant was converted as a full-time post. From the inception of his service, he was discharging his duties in a sincere and dedicated manner and have won the appreciation of his superiors. While so, during the year 1996, he was asked to submit proof of his date of birth. At the time of joining the post of Part-time Village Assistant, he has mentioned his date of birth as 05.09.1993. Pursuant to the respondents' instruction to produce proof of his date of birth, the Revenue Department conducted an inquiry. Upon verification, the Revenue Department has declared his date of birth as 05.09.1943. However, the 1st respondent without any show cause notice or hearing, has suo moto declared his date of birth as 27.04.1935 without any basis. Further, by order dated 31.05.1999, the 1st respondent declared that he has deemed to have retired on attaining the age of superannuation.

ii) Therefore, he filed O.A.No.344 of 1999 before the Tamil Nadu Administrative Tribunal (TNAT) challenging the order dated 31.05.1999 to direct the respondents to reinstate him in service with all consequential benefits. Pursuant to the abolition of the TNAT, his case was transferred to this Court and re-numbered as W.P.No.39958 of 2006. By order dated 07.07.2009, the said WP was dismissed without appreciating the fact that no show-cause notice or hearing was given before declaring his date of birth as 27.04.1935 and declared that he has deemed to have retired on superannuation. However, he did not have the means to challenge the said order.

iii) While dismissing the W.P.No.39958 of 2006, this Court directed the respondents as follows :

> *"In M.P.No.1 of 2007, the petitioner has sought for a direction to pay pension and other retirement benefits, including gratuity and PF etc., with interest at the rate of 12% per annum. Now that the writ petition is dismissed, if the petitioner is entitled to the above sum, the respondents shall take appropriate action to settle the retiral benefits as quickly as possible."*

However, the respondents have not taken any steps to disburse his retiral benefits. Therefore, he submitted several representation seeking to disburse his retiral benefits. But there has been no response till date. Under the above circumstances, he filed this Writ Petition invoking Article 226 of the Constitution of India.

3. The learned counsel appearing for the petitioner would submit

that the petitioner is 74 years old and suffering from various ailments. He is now being supported by his daughter who is a kooly and earning very meagre income, hence he is unable to meet his medical expenses. In these circumstances, it is just and necessary that the retiral benefits are disbursed to the petitioner with arrears and interest thereon.

4. The Learned Special Government Pleader appearing for the respondents 1 & 2 would submit that the petitioner's representations will be considered and appropriate orders will be passed by the respondents.

5. In view of the above submissions, this Court is inclined to direct the respondents to consider the petitioner's representations dated 05.05.2017 and 30.11.2017 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

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

21.04.2023

V.BHAVANI SUBBAROYAN.J.,

raja

raja
Index : yes/no
Internet : yes/no
Speaking Order/Non-Speaking Order

To

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   Vellore Taluk,
   Vellore.

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