



WEB COPY

W.P.No.26039 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.26039 of 2021

M.Selvam

...

Petitioner

versus

1.The Director of Health and
Preventive Medicine,
Anna Salai, Chennai - 600 006.

2.The Deputy Director of Health Services,
Thiruppur - 2.

3.The Accounts General (A & E),
Anna Salai,
Chennai - 600 018.

4.The District Treasury Officer,
Thiruppur.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to disburse the petitioner's monthly pension and other retirement benefits and consequently direct the respondents 3 and 4 to disburse petitioner's pension and other benefits.



For Petitioner : Mr.R.Saravanakumar
For Respondent Nos.1, 2 & 4 : Mr.G.Nanmaran
Special Government Pleader
For Respondent No.3 : Mrs.T.S.Selvarani
Standing Counsel

ORDER

The petitioner has filed this petition seeking a writ of mandamus, directing the respondents 1 and 2 to disburse his monthly pension and other retirement benefits and consequently direct the respondents 3 and 4 to disburse the petitioner's pension and other benefits.

2. Heard Mr.R.Saravanakumar, learned counsel for the petitioner, Mr.G.Nanmaran, learned Special Government Pleader for the respondents 1, 2 and 4, and Mrs.T.S.Selvarani, learned Standing Counsel for the third respondent and perused the materials available on record.

3. Mr.G.Nanmaran, learned Special Government Pleader for the respondents 1, 2 and 4 submitted that the petitioner has been given with the punishment of reduction in pension and subsequently, he has been given with the following benefits:-



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Sl.No.	Retirement Benefit Details	Amount Rs.	Date of Encashment
1.	Provisional Pension Arrear for the period from 01.05.2020 to 30.09.2021	1,64,979.00	22.10.2021
2.	Provisional Pension for the month of October 2021	9,647.00	30.11.2021
3.	Provisional Pension for the month of November 2021	9,647.00	14.12.2021
4.	Unearned Leave on Private Affairs	1,69,809.00	31.12.2021
5.	General Provident Fund Final Payment	2,78,186.00	23.11.2021
6.	Provisional Pension Arrear for the period from 01.05.2020 to 30.09.2021	2,85,819.00	24.01.2022
7.	Provisional Pension for the month of December 2021	24,764.00	31.01.2022

4. The grievance of the petitioner is that his retiral benefits has been paid but however he has not been given with the pension so far. It is learnt from the counter filed by the first respondent that a letter R.No.27617/E4/S2/2021, dated 22.12.2021 had been addressed to the Government by the first respondent to regularise the period during which the petitioner remained unauthorised absent and the same is pending with the Government. Only after receiving the response, the eligible service for calculating pension can be known and thereafter orders to the grant of pension can be passed.



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5. Since the letter sent by the first respondent is pending with the Government, I feel it is appropriate to direct the Secretary, Ministry of Health and Family Affairs, Chennai - 600 009 to pass an order / response to the letter dated 22.12.2021 within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observation, this Writ Petition is disposed. No costs.

07.11.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

- 1.The Secretary,
Ministry of Health and Family Affairs,
Chennai - 600 009.
- 2.The Director of Health and
Preventive Medicine,
Anna Salai, Chennai - 600 006.
- 3.The Deputy Director of Health Services,
Thiruppur - 2.
- 4.The Accounts General (A & E),
Anna Salai,
Chennai - 600 018.
- 5.The District Treasury Officer,
Thirupur.



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R.N.MANJULA, J.

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