



W.P.No.30898 of 2017

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.30898 of 2017
and
W.M.P.No.33821 of 2017

T.Govindarajan

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
119, Uthamar Gandhi Road,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious Charitable Endowment Department,
Sachidanada Mooppanar Road,
Thanjavur - 613 001.
3. The Assistant Commissioner,
Hindu Religious Charitable Endowment Department,
Trustee - Arulmigu Thiagaraja Swami Thirukoil,
Nagapattinam.



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4. The Executive Officer,
Arulmigu Thiagaraja Swami Thirukoil,
Tiruvarur - 610 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to disburse to the petitioner his Death-Cum-Retirement Gratuity and Pension with interest and pay the same to him along with arrears within a time frame to be fixed by this Court.

For Petitioner : Mr.D.Prasanna Kumar

For Respondents : Mr.C.Jaya Prakash
Government Advocate (HR & CE)

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to disburse the Death-Cum-Retirement Gratuity and Pension with interest to the petitioner and pay the same along with arrears within a time frame to be fixed by this Court.



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2.The petitioner joined the service as Clerk under the 4th respondent Temple on 17.02.1972. He was promoted as Typist and on attaining the age of superannuation, he retired from service as Typist on 31.10.1995. The petitioner had rendered 24 years of pensionable service. During his service, he was not subjected to any adverse or disciplinary proceedings. The petitioner had approached the 4th respondent seeking Death-Cum-Retirement Gratuity and Pension and the same had been approved by the respondents 1 to 4. In spite of approval by the respondents, even after a lapse of more than 22 years after his retirement, he was not granted Death-Cum-Retirement Gratuity and Pension. Hence, this Writ Petition.

3.The learned Government Advocate appearing for the respondents would submit that the petitioner is entitled for gratuity and pension. The Provident Fund Scheme is not available in the office of the respondents. The pension amount has already been disbursed to the petitioner. The gratuity amount will be paid to the petitioner immediately.



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4.Considering the facts and circumstances of the case and on a perusal of available records, there is no scheme for Provident Fund in the office of the respondent. Therefore, this Court directs the respondents to pay the gratuity to the petitioner within one week from the date of receipt of a copy of this order. The petitioner retired from service in the year 1995. The respondents already disbursed the pension amount, if any arrear, he is entitled with interest to the same.

Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

16.10.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
mps

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V.BHAVANI SUBBAROYAN, J,



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