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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.32163 of 2024

V.Sampath

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Revenue and Disaster Management,
Fort St. George, Chennai – 9.

2.The Commissioner of Revenue Administration and Disaster Management,
Chepauk, Chennai – 5.

3.The District Collector,
Salem, Salem District.

4.The Sub-Collector,
Mettur,
Salem District – 636 401.

5.The Tahsildar,
Omalur Taluk,
Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents to award special



grade and selection grade due to the Petitioner and Consequently directing them to forthwith pay all the retirement benefits such as Gratuity, Leave Salary, Pension and Arrears of Pension Etc., with interest at the rate of 24% per annum from 01.09.2005 till the date of realization.

For Petitioner : Mr.N.Kolandaivelu

For Respondents : Mr.S.Balamurugan
Government Advocate

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to award special grade and selection grade due to the petitioner and to pay all the retirement benefits with interest from 01.09.2005 by considering the representation made by the petitioner on 19.08.2024.

2.Heard Mr.N.Kolandaivelu, learned counsel appearing on behalf of the petitioner and Mr.S.Balamurugan, learned Government Advocate appearing on behalf of the respondents.

3.The case of the petitioner is that he was working as a Village Administrative Officer. A charge memo came to be issued by the 4th respondent



dated 29.08.2005. The date of superannuation of the petitioner was on 31.08.2005. The petitioner was not permitted to retire from service and the provisional pension alone was sanctioned. Ultimately, the departmental proceedings concluded and the proposal was sent to the petitioner by the 2nd respondent regarding the proposed punishment of recovery to be imposed against the petitioner. As per the proposal, a sum of Rs.1,500/- was proposed to be recovered from the monthly pension for a period of twelve months. On receipt of the proposal, the petitioner gave the consent on 10.01.2024.

4.The 2nd respondent on receipt of the same, confirmed the proposed punishment and permitted the petitioner to retire from service w.e.f., 31.08.2005. The 5th respondent thereafter, through letter dated 10.08.2023, recommended to the 4th respondent that the petitioner is entitled for the Special Grade benefits and the Selection Grade benefits and the same can also be awarded along with the retirement benefits.

5.The grievance of the petitioner is that in spite of several representations, the Special Grade and Selection Grade to which the petitioner is entitled was not



fixed and the retirement benefits have also not been settled in favour of the petitioner. It is under these circumstances, the present writ petition came to be filed before this Court.

6. Taking into consideration the facts and circumstances of the case and the nature of grievance expressed by the petitioner, there shall be a direction to the 4th respondent to deal with the representation made by the petitioner on 19.08.2024. The Special Grade and Selection Grade to which the petitioner is entitled to and the retirement benefits to which the petitioner is entitled to along with arrears shall be settled in favour of the petitioner, within a period of eight weeks from the date of receipt of copy of this order. If there is any delay beyond the time frame fixed by this Court, it will carry an interest of 6% from the date on which it became payable till the date of actual payment.

7. The petitioner is directed to make a fresh representation to the 4th respondent along with all the relevant documents and also a copy of this order.



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8.This writ petition is disposed of with the above directions. No Costs.

29.10.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

- 1.The Secretary,
Government of Tamil Nadu,
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N. ANAND VENKATESH, J.

ssr

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