



W.P.No.34757 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 26.11.2024**

CORAM:

**THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.No.34757 of 2024**

R.Chandran

...Petitioner

-Vs-

- 1.The Commissioner,  
Salem City Municipal Corporation,  
Salem – 636 001.
- 2.The Director of Municipal Administration,  
No.75, Santhome High Road,  
MRC Nagar, Raja Annamalaipuram,  
Chennai – 600 028.
- 3.The Deputy Director of Local Fund Accounts,  
Salem City Municipal Corporation,  
Salem – 636 001.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the first respondent to pass appropriate orders on the representation of the petitioner dated 25.06.2024 and 01.08.2024 on merits and in accordance with the Law and consequently to sanction and settle the pension and DCRG amount due to the petitioner as on 01.06.2024, within a reasonable period as may be fixed by this Court and pass such further orders.



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For Petitioner : Mr.T.Ranganathan  
For R1 : M/s.N.Devi  
Standing Counsel  
For R2 & R3 : Mr.S.Rajesh  
Government Advocate

### **ORDER**

M/s.N.Devi, learned Standing Counsel takes notice on behalf of the first respondent and Mr.S.Rajesh, learned Government Advocate takes notice on behalf of respondents 2 and 3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed directing the first respondent to pass appropriate orders on the representations of the petitioner dated 25.06.2024 and 01.08.2024 and consequential direction to sanction and settle the pension and DCRG amount due to the petitioner as on 01.06.2024, within a reasonable period.

3. The case of the petitioner is that the petitioner was appointed as Sanitary Inspector in the Salem City Municipal Corporation on 05.07.1989.



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Subsequently he was absorbed in the Salem City Municipal Corporation when the Government upgraded the Municipality as a Corporation. The Petitioner has continued in the same post till his date of superannuation on 31.05.2024. The Commissioner, Salem City Municipal Corporation has permitted him to retire from service in his proceedings Na.Ka.No.J1/757/2024 dated 31.05.2024 subject to certain conditions and the Petitioner was relieved from service on 31.05.2024 AN. Though the Commissioner, Salem City Municipal Corporation allowed the petitioner to retire from service in his proceedings in Na.Ka.No.11/757/2024 dated 31.05.2024, has not sanctioned Pension and DCRG amount till date. The Commissioner, Salem City Municipal Corporation having allowed the Petitioner to retire from service in his Proceedings Na.Ka.No.J1/757/2024 dated 31.05.2024 issued a Charge Memorandum in Na.Ka.No.J1/757/2024 dated 30.05.2024 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, "for non-settlement of the audit objections".

4. Learned counsel appearing for the Petitioner submitted that it is well settled under Rule 69 of the Tamil Nadu Pension Rules, 1970, that once the Government Servant is permitted to retire from service, even on



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conditions, there is no need to withhold the Pension and DCRG amount due to the individual on attaining the age of superannuation and the issuance of Charge Memorandum in Na.Ka.No..J1/757/2024 dated 30.05.2024 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, "for non-settlement of the audit objections" is not fair and proper as already held by the Division Bench of this Court in W.A.No.1111 of 2007 dated 10.09.2007.

5. Learned counsel further submitted that all the audit objections referred to in the charge memo dated 30.05.2024 have been settled by the Department as informed by the 3<sup>rd</sup> Respondent in his letter Na. Ka.No.295/A1/2024 dated 03.06.2024 and 24.06.2024. However, the 1<sup>st</sup> Respondent has not sanctioned and disbursed the Pension and DCRG amount which is unreasonable. The Petitioner has made representations enclosing the letter of the 3<sup>rd</sup> Respondent on 25.06.2024 and on 01.08.2024 for sanction and disbursement of the Pension and DCRG due to the Petitioner as on 01.06.2024. However, the 1<sup>st</sup> Respondent has not passed any order till date. Hence, the writ petition is filed.



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6. Learned Standing Counsel appearing for the first respondent submitted that the petitioner's representation would be considered on merits and in accordance with law by the authority concerned.

7. Heard both sides and perused the materials available on record.

**8. Without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner dated 01.08.2024 for sanction and disbursement of the Pension and DCRG due to the Petitioner as on 01.06.2024 within a period of eight weeks from the date of receipt of a copy of this order.**

In the result, the writ petition stands disposed of with the above observation and direction. No costs.

**26.11.2024**

cda



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**J.SATHYA NARAYANA PRASAD, J.**

cda

To

- 1.The Commissioner,  
Salem City Municipal Corporation,  
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