



W.P.(MD).No.632 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.632 of 2024

S.Shanmugavel

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-9.
2. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Finance Department, Secretariat, Chennai-9.
3. The Commissioner of Treasuries and Accounts,
3rd Floor, Integrated Complex For Finance Department,
No.571, Anna Salai, Nandanam, Chennai 35.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to accord sanction for release of arrears of pension amount a sum of Rs.11,97,557 /- in the light of proposal submitted by the 3rd respondent in his proceedings in RC.No.271/2022/E2, dated 28.01.2022 by considering the



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petitioner's representations, dated 21.01.2023, 11.05.2023 and 24.07.2023 within a period stipulated time by this Court.

For Petitioner : Mr. C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents 1 and 2 to accord sanction for release of arrears of pension amount a sum of Rs.11,97,557 /- in the light of proposal submitted by the 3rd respondent in his proceedings in RC.No.271/2022/E2, dated 28.01.2022 by considering the petitioner's representations, dated 21.01.2023, 11.05.2023 and 24.07.2023 within the period stipulated by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. Perused the materials on record.



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4.(i).The petitioner is a retired Executive Officer. Initially, he was appointed as a Bill Collector on 07.08.1968 at Seithur Town Panchayat, Virudhunagar District. Thereafter, he was promoted as promoted as Executive Officer, Grade II at Mallanginaru Town Panchayat, Virudhunagar District during 1989. He was subsequently promoted as Executive Officer, Grade I at Sundrapandiyam Town Panchayat, Virudhunagar District during 1992 and promoted as Executive Officer (Selection Grade) at Suchindram Town Panchayat, Nagercoil Zone, Kanyakumari District during 1999.

(ii).While the petitioner was serving at Suchindram Town Panchayat, a charge memo has been issued to him under Rule 17(b) of the Tamil Nadu Civil Services (D&A) on 29.08.2005. Against which, the petitioner has preferred an appeal before the Municipal Secretary on 31.07.2007 and the same was allowed on 30.09.2014.

(iii)In the meanwhile, he attained the age of superannuation on 31.08.2005. However, due to pendency of another charge memo, dated 30.08.2005, he was placed under suspension and not allowed to retire from service. He was awarded with a punishment of compulsory retirement by the Director of Town Panchayat vide his proceedings, dated 17.11.2016.



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(iv).Subsequent to the said suspension, his pension paper was forwarded by the third respondent to the Accountant General, Chennai, in which, the third respondent has mentioned the date of retirement as 31.08.2005. However, the same was further clarified by the Sub Treasury Officer, Rajapalayam and the petitioner has received the monthly pension from 01.02.2021.

(v).The arrears of pension for the period from 18.11.2016 to 31.01.2021 was not paid. There is a total arrears of pension, which is accumulated to Rs.11,97,55/-. Since the arrears amount is more than Rs.10lakhs, the Treasury Officer vide proceedings, dated 29.12.2021 sent a proposal to the third respondent for getting approval from the first respondent. On receipt of same, the third respondent sent a communication to the first respondent to accord sanction for release of arrears of pension. However, the same was not paid.

(vi).Though several representations for the release of arrears of pension amount were submitted by the petitioner to the respondents on various occasions on 21.01.2023, 11.05.2023 and 24.07.2023, the same were not considered. Hence, this petition came to be filed.



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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

6. In view of the above, without going into the merits of this case, this Court hereby direct the respondents to consider the representations of the petitioner, dated 21.01.2023, 11.05.2023 and 24.07.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

10.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To

1. The Principal Secretary to Government, State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-9.
2. The Principal Secretary to Government, State of Tamil Nadu,
Finance Department, Secretariat, Chennai-9.
3. The Commissioner of Treasuries and Accounts,
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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.632 of 2024**

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