



W.P(MD)No.29649 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.29649 of 2024

C.Lakshmanan

... Petitioner

Vs

1.The Commissioner,
Treasuries and Accounts,
CPS Section,
5th Floor,
Perasiriyar K.Anbazhagan Maaligai,
No.571, Anna Salai,
Nandanam, Chennai – 600 035.

2.The Divisional Excise Officer,
Divisional Excise Office,
Sivagangai,
Sivagangai District.

...Respondents

(R2 is suo motu impleaded as per order of this Court, dated 10.12.2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay CPS final settlement amount vide CPS No. 7048047/JUDL to the petitioner for the period from 26.10.2007 to 31.10.2023 with 10% interest per annum by considering the petitioner's representation, dated 01.08.2024 within the stipulated time as fixed by this Court.



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For Petitioner : Mr.A.R.Kannappan
For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

The petitioner is a retired Senior Revenue Inspector from the office of the Excise Department, Sivagangai. He was retired from service on 31.10.2023 and he has submitted an application to the respondent on 12.12.2023, with a request to disburse the contributory pension amount and the same was not considered by the Treasuries and Accounts Department, by referring some anamoly. Therefore, the petitioner is before this Court with this writ petition.

2.The learned counsel appearing for the petitioner submits that the petitioner has been initially appointed as a Typist on 26.10.2007 under 10(i) (a) of Tamil Nadu State and Subordinate Service Rules in the Chief Judicial Magistrate Court, under single contribution. Thereafter, he was appointed as Typist in Adi Dravidar Welfare Office, Sivagangai on 26.10.2010 through Tamil Nadu Public Service Commission and he retired from service on 31.10.2023. According to the learned counsel, though this petitioner was retired



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from service on 31.10.2023, the eligible contributory pension amount due to this petitioner has not been settled by the respondent so far.

3.Mr.A.Baskaran, learned Additional Government Pleader takes notice for the respondent and submits that the petitioner has initially served as a typist in Chief Judicial Magistrate Court, under 10(a)(i) of Tamil Nadu State and Subordinate Services Rules. Thereafter he was selected as Typist at Adi Dravidar Welfare Office, Sivagangai on 26.10.2010 through Tamil Nadu Public Service Commission, where, he has served and retired as a Revenue Inspector. Therefore, according to the learned Additional Government Pleader, the Divisional Excise Officer has to get clarifications from the Commissioner of Treasury (Data Information Centre) with regard to the CPS amount payable to this petitioner and if any proposal is sent, it would be considered within a reasonable time.

4.This Court considered the rival submissions made and also perused the materials placed on record.



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5. The petitioner has initially served as a Typist in Judicial service under 10(a)(i) of Tamil Nadu State and Subordinate Services Rules, under single contribution. Thereafter he was selected as Typist at Adi Dravidar Welfare Office, Sivagangai on 26.10.2010 through Tamil Nadu Public Service Commission, under double contribution. He has retired from service on 31.10.2023 as a Senior Revenue Inspector. After his retirement, he has submitted an application to the respondent with a request to settle the eligible CPS amount. However, no action has been taken by the respondent. Now, the respondent has taken a stand that the Divisional Excise Officer has to clarify with regard to the eligible CPS amount payable to this petitioner. Without the correct particulars, the respondent is finding it difficult to settle the CPS amount to this petitioner. This Court is unable to accept the stand taken by the respondent. However, considering the request made on behalf of the respondent, this Court *suo motu* impleads **"The Divisional Excise Officer, Divisional Excise Office, Sivagangai, Sivagangai District"** as a respondent in this writ petition and the learned **Additional Government Pleader is directed to take notice for the newly impleaded respondent.**



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6.Considering the prayer sought for in this writ petition and the stand taken by the respondent, this writ petition is disposed of with the following directions:-

- a) The first respondent is directed to pay the eligible CPS amount payable to this petitioner, which he has contributed under Contributory Pension Scheme, for his services in the Divisional Excise Office, Sivagangai within a period of two weeks from the date of receipt of a copy of this order.
- b) For the remaining CPS amount payable to this petitioner for his services rendered in the Judicial service, the second respondent shall sent a proposal separately, after getting necessary particulars from the Judicial Department and the remaining amount shall be paid by the first respondent, within a period of four weeks from the date of receipt of a proposal to be sent by the second respondent.

No costs.

10.12.2024

NCC:Yes/No
Index:Yes
vrn



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B.PUGALENDHI, J.

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10.12.2024