



W.P.No.9448 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.9448 of 2020
and W.M.P.No.11543 of 2020

S.Vijayakumar

... Petitioner

Vs.

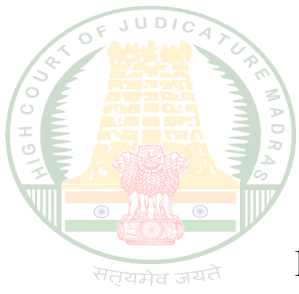
1.The Government of Tamil Nadu,
Rep. by its Secretary,
Tamil Nadu Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu Housing Board (TNHB),
No.493, Anna Salai,
Nandanam, Chennai – 600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent proceeding order in pension No.1/007016/2019 dated 04.06.2019 quash the same and direct the respondents to disburse pending arrears of petitioner's salary, pending arrears of revised salary and pension with 4th, 5th, 6th and 7th pay commissions with 12% interest for the delayed payment of retirement benefits.

For Petitioner : M/s.Revathy Dhamodharan



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For Respondent 1 : Mr.S.Prabhakaran,
Government Advocate

For Respondent 2 : Mr.V.Logesh,
Standing Counsel

ORDER

The petitioner has filed this petition to call for the records of the second respondent proceeding order in pension No.1/007016/2019 dated 04.06.2019 quash the same and direct the respondents to disburse pending arrears of petitioner's salary, pending arrears of revised salary and pension with 4th, 5th, 6th and 7th pay commissions with 12% interest for the delayed payment of retirement benefits.

2. The case of the petitioner is that he had joined the service of the Tamil Nadu State Government under the control of the second respondent as a "Building Inspector" on 02.01.1979. After completion of 10 years of Service, he was promoted as "Junior Engineer" (Civil) during the year-1989. The grievance of the petitioner is that his superiors have suppressed his leave letters and had mentioned that he has taken leave without any information. Hence, the petitioner was removed from service in the year 2005, by the second respondent. An enquiry was made on the charges of unauthorized



absence and thereafter, the second respondent reinstated the petitioner on 17.03.2010 and he was de-promoted as a "Technical Assistant" instead of "Junior Engineer". During that suspension period from 2005 to 2010, the petitioner was not paid with his salary. Therefore, the petitioner made an application for voluntary Retirement from Service (VRS) before the second respondent on 20.11.2010, which was also acknowledged by superiors. Instead of accepting the petitioner's VRS, the respondent made the charges of unauthorized absence.

2.1. The petitioner was served with two proceedings under DC2/21527/2011 and DC2/54181/2003 both dated 25.01.2017, which dealt with the charges of unauthorized absence on three occasions by the petitioner and the punishment was awarded without hearing the petitioner. Hence, the petitioner made an appeal against the same before the first respondent through Registered Post on 26.11.2017, till date no enquiry is conducted by the first respondent. The petitioner has received a copy of memo dated 11.09.2017 sent by the Administrative Officer to the various divisions and authorities of the second Respondent informing them about the retirement



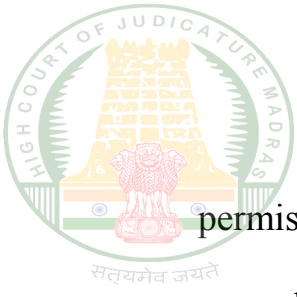
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services and calling for the particulars of the petitioner services in the respective divisions.

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2.2. On 04.06.2019, the petitioner has received the proceedings of pension order from the second respondent. He has been receiving the monthly pension of Rs.10,089/-and also received the arrears amount of Rs.2,63,368/- after balancing the loan amount and penalties imposed on the petitioner. The said amount of arrears and pension was not revised as per 4th, 5th, 6th and 7th pay commission. The petitioner has sent many appeals to the respondents to consider and disburse his arrears salary as per revised pay commission. Though the petitioner has sent appeals, there is no response from the authorities concerned. Challenging the said proceeding dated 04.06.2019, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that the petitioner has sent a representation dated 01.06.2019 to the second respondent to release his pension arrears and to substantiate the same, he has enclosed the acknowledgment card in the typed set of papers. However, he prays that



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permission may be granted to the petitioner to give fresh representation to the second respondent, within a time frame to be fixed by this Court.

4. Learned standing counsel appearing for the second respondent has no objection for the said order being passed by this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the submission made by the learned counsel on either side, this Court without going into the merits of the case, issues the following directions:

(i) The petitioner is directed to give a fresh representation to the second respondent containing all relevant documents, within a period of two weeks from the date of receipt of a copy of this order;

(ii) On receipt of the said representation, the second respondent is directed to consider the same on merits, in accordance and pass appropriate orders within a period of six weeks thereof.



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7. This writ petition is disposed of with the aforesaid observation and directions. No costs. Consequently, connected miscellaneous petition is closed.

21.01.2025

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

J.SATHYA NARAYANA PRASAD,J.

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To:

1.The Secretary,
Tamil Nadu Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu Housing Board (TNHB),
No.493, Anna Salai,
Nandanam, Chennai – 600 035.

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