



W.P.(MD)No.26235 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

W.P.(MD)No. 26235 of 2022

E.Paulmani,
Ex-Navik,
S/o.Easwaran,
Middle Street, VPO-Naraikkinar,
TK-Ottapidaram,
Tuticorin District.

Petitioner

Vs

1.The Officer-in-Charge,
Bureau of Naviks,
Cheetah Camp, Mankhund,
Mumbai – 88.

2.The Director General,
(for PD(HRD) (JDCED)),
Coast Guard Headquarters,
New Delhi – 110 001.

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to disburse the Petitioner's retirement benefits including pension, arrears of pension



W.P.(MD)No.26235 of 2022

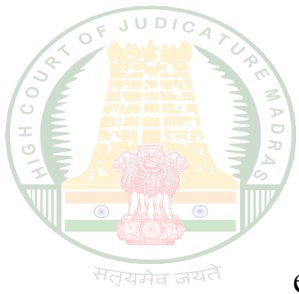
and other benefits by considering the Petitioner's representation dated 08.08.2022.

For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

1. This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to disburse the Petitioner's retirement benefits including pension, arrears of pension and other benefits by considering the Petitioner's representation dated 08.08.2022.
2. The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-
 - (a) The Petitioner was initially appointed as Navik Seaman on 04.01.1991 and served until 19.11.1993. During his tenure, the Petitioner was diagnosed with schizophrenia, which necessitated his

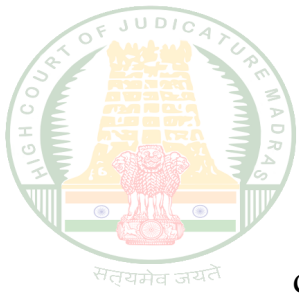


W.P.(MD)No.26235 of 2022

WEB COPY

exit from service. Consequently, the Petitioner was discharged from service on medical invalidation grounds, having served for 2 years, 10 months, and 17 days in the Coast Guard. Subsequent to his discharge, the Petitioner was sanctioned a gratuity of Rs.2,565/-. However, the authorities did not grant him a service pension. The Medical Board declared the Petitioner permanently disabled, and based on this recommendation, the Respondents discharged the Petitioner from service.

(b) On 03.03.2021, the Petitioner filed an Original Application before the Armed Forces Tribunal, Regional Bench, Chennai. However, the application was returned with the observation that it is now maintainable before this Tribunal, given the Petitioner's service in the Coast Guard. In a similar case, this Court passed an order in W.P.(MD)No.26318 of 2009, dated 24.02.2020, directing the Respondents to calculate and disburse the pension of an employee discharged from service due to medical invalidation. Despite the Petitioner's repeated approaches to the authorities, no action was taken to disburse his pension. Ultimately, the Petitioner submitted a



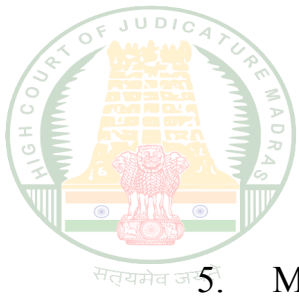
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W.P.(MD)No.26235 of 2022

detailed representation dated 08.08.2022 to the Respondents, requesting them to disburse his pension, arrears of pension, and other entitled benefits. As no action was taken on this representation, the Petitioner has filed the present writ petition, seeking relief.

3. Heard Mr.T.Selvakumaran, learned counsel for the Petitioner and Mr.K.Govindarajan, learned Deputy Solicitor General of India for the Respondents.
4. Mr.K.Govindarajan, learned Deputy Solicitor General of India for the Respondents, submits that the the Petitioner is not entitled to the relief sought in the present Writ Petition. Further, the learned counsel submits that the Petitioner may be permitted to file a fresh representation before the 2nd Respondent, outlining his grievances by annexing the copy of the earlier representation dated 08.08.2022. The 2nd Respondent would then consider and decide the matter in accordance with the law within the time frame fixed by this Court.



W.P.(MD)No.26235 of 2022

WEB COPY

5. Mr.T.Selvakumaran, the learned counsel for the Petitioner, agreed to the submissions made by the learned Deputy Solicitor General of India for the Respondents and submits that the Petitioner is willing to file a fresh representation before the 2nd Respondent. It is prayed that this Court may direct the 2nd Respondent to decide the representation by passing a reasoned and speaking order, in accordance with law, within a stipulated timeframe.
6. After considering the submissions made by the learned counsels for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court. Accordingly, the 2nd Respondent may be directed to decide the representation of the Petitioner in accordance with law.
7. Accordingly, the Petitioner is directed to file a fresh representation before the 2nd Respondent, detailing his claim and grievances, annexing therewith a certified copy of this order and a copy of his



W.P.(MD)No.26235 of 2022

WEB COPY

representation dated 08.08.2022, within a period of four weeks from today. If any such representation is filed by the Petitioner before the 2nd Respondent as per the time stipulated by this Court, the 2nd Respondent is directed to consider the same and pass a reasoned and speaking order on merits and in accordance with law, after giving sufficient opportunity to the Petitioner, within a period of two months from the date of receipt of such representation. The 2nd Respondent shall communicate the order/decision to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order/decision.

8. With the above directions, this Writ Petition is finally **disposed of**.

There shall be no order as to costs.

04.04.2025

Index: Yes/No

Web: Yes/No

Speaking/Non Speaking

Nsr



W.P.(MD)No.26235 of 2022

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- To:
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 - 2.The Director General,
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W.P.(MD)No.26235 of 2022

SHAMIM AHMED, J.

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W.P.(MD)No.26235 of 2022

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