



OFFICIAL MEMORANDUM

Sub: Tamil Nadu Pension Rules, 1978 - Pensionary benefits and other retirement benefits of the staff members of Judicial Department in the state of Tamil Nadu - Order in W.P.No.7737/2017 on the file of the High Court, Madras - Directions issued .

- Ref: 1. G.O.Ms.No.170, Personnel and Administrative Reforms (S) Dept, dated 18.12.2009.
2. G.O. Ms.No.15, P & A Reforms (S) Department, dated 03.02.2010.
3. High Court's Circular R.O.C. No.2752-A/2014-C4, dated 14.10.2014.
4. Letter dated 27.05.2016 of the TNJMSRE Association, Madurai.
5. High Court's Circular in R.O.C. No.40703/2016/C3, dated 05.04.2017.
6. Order in Writ Petition No.7737/2017, dated 20.07.2017

The Hon'ble Division of the High Court, Madras, by order dated 20.07.2017 in W.P.No.7737/2017, had issued directions with regard to the settlement of pensionary benefits for the retired employees (copy of this order is enclosed herewith for ready reference). Therefore, this Court on the administrative side, directs [all the Principal District Judges/District Judges/Unit Heads to take necessary steps to forward the pension papers of the staff members, those who are working under their control, to the competent authority well in advance atleast within three months prior to their date of retirement and before a maximum period of six months from the date of retirement, failing which to file a special report before the Registrar General, High Court, Madras specifying the reasons for the failure to settle the terminal benefits, to enable the Registrar General to take corrective measures.]



Further, all the District Heads/Chief Administrative Officers of the District unit are directed to intimate to the pensioner, the reasons for the delay in the settlement of pension and other terminal benefits and if the reasons for delay are attributable to the employee concerned a reminder shall be issued to him/her once in every month to rectify the defects.

Further, the High Court, on the Administrative side, has observed as follows:-

" Rule 51 of the Tamil Nadu Pension Rules also mandates every Head of the Department shall have a list of the persons who are due to retire from service every six months that is, on the 1st January and the 1st July each year. Secondly, delayed payment of pension will invite payment of interest, therefore the above direction shall be implemented scrupulously".

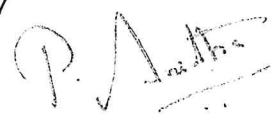
Therefore, all the Principal District Judges/District Judges/Unit Heads are required to follow the orders passed in W.P.No.7737/2017 dated 20.07.2017 and Rule 51 of the Tamil Nadu Pension Rules scrupulously.

The receipt of this Official Memorandum is required to be acknowledged at once.

HIGH COURT, MADRAS
DATED : 05.10.2018.

Sd/-C.Kumarappan
Registrar General

//True copy/Forwarded/By order//


Asst. Registrar (Admn.III)

To

1. All the Principal District Judge / District Judges.
2. The Principal Judge, City Civil Court, Chennai.
3. The Chief Judge, Court of Small Causes, Chennai.
4. The Chief Metropolitan Magistrate Court, Egmore, Chennai.
5. The Administrator General & Official Trustee, Chennai.
6. The Presiding Officer, Industrial Tribunal, Chennai.
7. The Presiding Officer, Labour Court, Chennai.
8. The Presiding Officer, Special Court for EC & NDPS Act Cases, Chennai.
9. The City Government Pleader, City Civil Court Buildings, Chennai.

Copy to

- 1) The Section Officers 'B' and Establishment Section, High Court, Madras and Madurai Bench of Madras High Court, Madurai.
- 2) The Section Officer, 'C' Section Madurai Bench of Madras High Court, Madurai.
- 3) The Record Keeper, A.D Records, High Court, Madras

In the High Court of Judicature at Madras

Dated : 20.7.2017

Coram :

The Honourable Mr. Justice NOOTY. RAMAMOohana RAO

and

The Honourable Mr. Justice M. DHANDAPANI

Writ Petition No. 7737 of 2017

S.M. Kuppan

...Petitioner

Vs

1. The Principal District Judge,
Dharmapuri District, Dharmapuri.
2. The District Munsif-cum-Judicial
Magistrate, Pennagaram,
Dharmapuri District.
3. The Principal Accounts General,
(Accounts & Entitlements), Tamil Nadu,
Chennai-18.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
respondents to disburse the pension and other terminal benefits
of the petitioner within a fixed time frame.

For Petitioner : Mr. M. Selvam
For Respondent-1 : Mr. M. Baskar
For Respondent-2 : Mr. V. Vijay Shankar

ORDER

(Order of the Court was made by NOOTY. RAMAMOohana RAO, J)

The present writ petition is filed by a Special Grade Senior
Bailiff of the Dharmapuri District Unit. He sought for
directions to the respondents to disburse the pension and other
terminal benefits within a fixed time limit, as the writ
petitioner has retired from service on 31.3.2016.

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2. Since more than one year period has already elapsed from the time the writ petitioner has retired and he being a small time employee having worked as a Special Grade Senior Bailiff, we consider it appropriate to fix time limit for securing the settlement of all terminal benefits of the writ petitioner. Let the same be disbursed on or before 4th of October 2017 and compliance should be filed before the Registrar General of this Court on the Administrative Side by the District Unit Head at Dharmapuri.

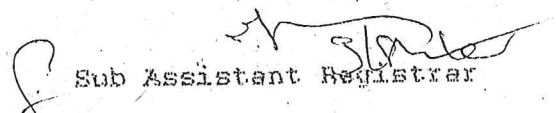
3. It is time that all the District Unit Heads be reminded by the Registrar General of this Court that pension and other terminal benefits shall be processed within three months prior to the date of retirement, at least and they should be sent upto the Accountant General's office/Pension Disbursing Authority's office, as the case may be and necessary follow up action should be taken. In case the pension and other terminal benefits have not been settled before a maximum of six months' period from the date of retirement, a special report shall be filed by the District Unit concerned before the Registrar General drawing specifically his attention to the reasons for the failure to settle the terminal benefits, so that the Registrar General will be able to take corrective measures.

4. It is a constant cry from the retired employees that their terminal benefits were not settled one way or the other and that they were always made to grope in the dark without being aware as to the reasons and the stage, at which, the papers have been stuck. We do not expect a retired employee to be so cash rich to indulge in fairly expensive litigation by engaging lawyers and litigate in this Court. Therefore, the reasons must be communicated to the concerned individual by the District Head/Chief Administrative Officers of the District Unit as to why pension and other terminal benefits have not been settled and the reasons for such delay. If the reasons are attributable to the employee concerned, he shall be reminded once in every month to rectify the defects.

5. With the above directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//


Sub Assistant Registrar

RS

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To

1. The Principal District Judge, Dharmapuri District, Dharmapuri.
2. The District Munsif-cum-Judicial Magistrate, Pennagaram, Dharmapuri District.
3. The Principal Accounts General, (Accounts & Entitlements), Tamil Nadu, Chennai-18.
4. The District Head/Chief Administrative Officers, The District Unit.
5. The Registrar Judicial, High Court, Madras.
6. Section Officer, writ section, High court
7. The Registrar General, High Court, Madras
8. Section Officer, F Section, High Court, Madras.

+1cc to M/s.M.Selvam, Advocate, S.R.No.51082

+1cc to M/s.V.Vijayshankar, Advocate, S.R.No.51556

WP.No.7737 of 2017

NM(CO)
CU(02/08/2017)

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