

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2015

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THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.12766 of 2015

And

M.P.No.1 of 2015

V.Kamaraj

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Additional Chief Secretary/
Secretary to Government,
Forest and Environment Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.
 - 3.The Conservator of Forest,
Chennai Circle,
DMS Campus, 3rd Floor,
Chennai - 600 006.
 - 4.The District Forest Officer,
Chengalpattu Division,
Kancheepuram District.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the retirement benefits payable to the petitioner on the date of retirement on 31.03.2014 in the post of Assistant Conservator of Forests along with interest for the belated payment of retirement benefits by considering the representation submitted by the petitioner dated 10.04.2014, 26.05.2014 and 02.06.2014, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran
For Respondent : Mr.N.Inbanathan
Government Advocate

O R D E R

Heard both sides. By consent the writ petition is taken up for final disposal.

2.Petitioner was in the Forest Department as Assistant Conservator of Forests. He reached the age of superannuation on 31.03.2014. He was permitted to retire without prejudice to proceed under the Tamil Nadu Pension Rules. The grievance of the petitioner is that he is not sanctioned provisional pension as well as other benefits.

3.The learned counsel appearing for the petitioner has fairly submitted that the charge is relating to causing of financial loss to an extent of Rs.2,68,466/-.

4.In these circumstances, I am of the view that the petitioner is entitled to provisional pension and also the DCRG after deducting the amount of loss that is alleged to have been caused by the petitioner subject to the result of the disciplinary proceedings and also other benefits such as GPF, SPF and Earned Leave encashment benefits. In the case of GPF, SPF and Earned Leave encashment, the Department shall pay those benefits even if the Government servant is not permitted to retire and ultimately after the disciplinary proceedings is over the Government servant is dismissed from service. In this case, the Government servant is permitted to retire from service.

5.Hence, the writ petition in the circumstances is disposed of with the following directions to the first respondent:

(i)to pay provisional pension forthwith from the date of his retirement and the issue as to payment of interest will be decided later;

(ii)to pay DCRG after deducting the alleged amount of loss that is the subject matter of the charge; and

(iii)to pay GPF, SPF and Earned Leave encashment benefits within a period of six weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.Additional Chief Secretary/
Secretary to Government,
Forest and Environment Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 2.The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.
 - 3.The Conservator of Forest,
Chennai Circle,
DMS Campus, 3rd Floor,
Chennai - 600 006.
 - 4.The District Forest Officer,
Chengalpattu Division,
Kancheepuram District.
- 1 cc to Mr.G.Sankaran ,Advocate, SR.No.23960/15
1 cc to Spl Government Pleader,Sr.No23960, 23588

सत्यमेव जयते

W.P.No.12766 of 2015
And
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pmk.12.5.2015

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