

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.18099 of 2015

A.Chinnadurai

... Petitioner

-Versus-

1. The District Collector,
Tiruchirappalli,
Tiruchirappalli District.

2. The Assistant Director,
Survey and Land Records,
Collectorate,
Tiruchirappalli.

3. The Secretary to Government,
Revenue Department,
Secretariat,
Chennai 600 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the respondents to pass final orders pursuant to the impugned charge memo issued by the 1st respondent in Na.Ka.No.A2/30147/2013 dated Nil-11-2013 and consequently direct the 2nd respondent to pay the provisional pension till the disposal of the charge memo.

For petitioner : Mr.R.Subburaj

For Respondents : Mr.K.V.Dhanapalan,
Additional Government Pleader

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ORDER

Considering the limited scope of the prayer sought for in the writ petition, by consent, the writ petition itself is taken up for final disposal.

2. The petitioner was a special Tahsildar in the Revenue Department. While he was in service, during November, 2013 he was issued with a charge memo under Rule 17(b) of The Tamil Nadu Civil

Services [Discipline and Appeal] Rules. The 1st respondent by his proceedings in Rc.A2/14563/2008 dated 31.12.2013 allowed the petitioner to retire from service on attaining the age of superannuation on 31.12.2013, but, however, he ordered to continue the disciplinary proceedings under Rule 9 of The Tamil Nadu Pension Rules. According to the petitioner, since he was allowed to retire from service, pending proceedings under Rule 9 of the Tamil Nadu Pension Rules, he is entitled for provisional pension with interest for the belated payment of provisional pension. The grievance of the petitioner is that so far he has not been paid provisional pension. In this regard, the petitioner submitted a representation to the 2nd respondent and the 2nd respondent, in turn, has submitted a proposal to the 1st respondent for payment of provisional pension. But, so far no provisional pension has been sanctioned to the petitioner. Hence, he has come forward with this writ petition.

3. I have heard the submissions made on either side.

4. Considering the limited scope of the prayer and taking into consideration of the fact that admittedly the petitioner was allowed to retire from service on 31.12.2013 on attaining the age of superannuation, without going into the merits of the case, the 1st respondent is directed to complete the departmental proceedings pending against the petitioner under Rule 9 of the Tamil Nadu Pension Rules within a period of three months from the date of receipt of a copy of this order. In the mean time, the 1st respondent is directed to pay provisional pension, if not so far paid to the petitioner, within a period of four weeks from the date of receipt of a copy of this order and the petitioner is also entitled for interest for the arrears of belated payment of provisional pension, in view of the order of the Division Bench of this Court reported in 2009 (3) MLJ Page 1. This writ petition is, accordingly, disposed of. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The District Collector,
Tiruchirappalli,
Tiruchirappalli District.

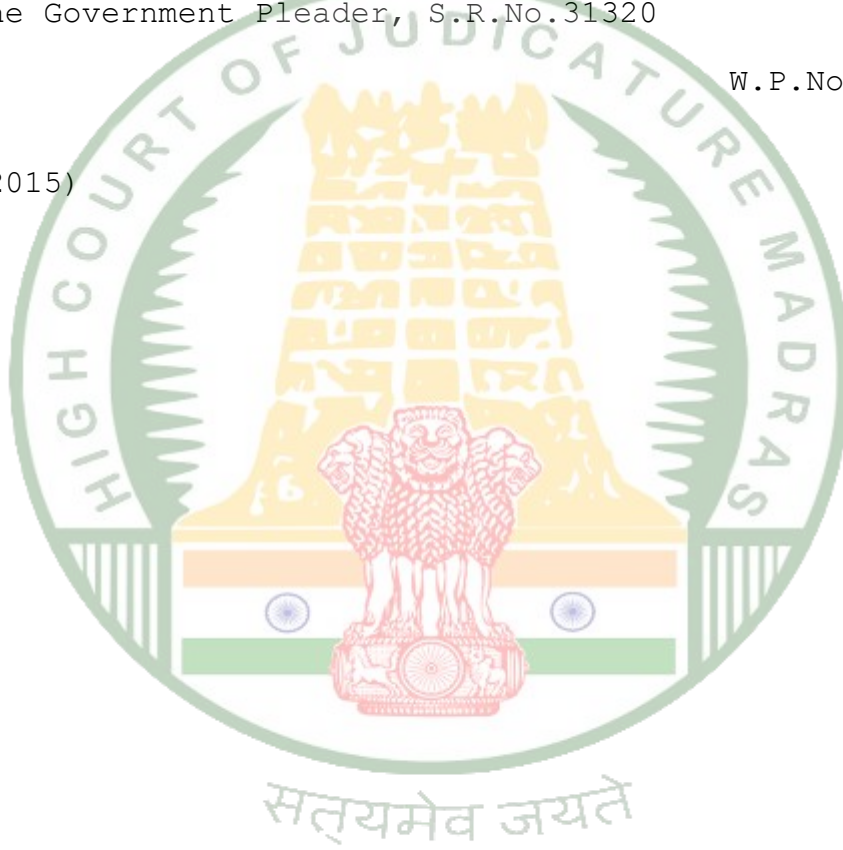
2.The Assistant Director,
Survey and Land Records,
Collectorate,
Tiruchirappalli.

3.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai 600 009.

+lcc to Mr.R.Subburaj, Advocate, S.R.No.31126
+lcc to the Government Pleader, S.R.No.31320

W.P.No.18099 of 2015

SVI (CO)
CA(01/07/2015)



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