

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29542 of 2015

S.Paulraj

... Petitioner

Vs.

- 1 State of Tamil Nadu
Rep. by its Secretary to Government Coop
Food and Consumer Protection Dept Fort St
George Chennai - 9
- 2 The Registrar of Coop
Societies Chennai - 600 010 ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to pass appropriate orders on the petitioner's representation dated 24.12.14 seeking sanction of Provisional Pension under Rule 69 (1) (a) of Tamil Nadu Pension Rules 1978.

For Petitioner : Mr.S.Venkataraman

For Respondents : Mr.E.M.S.Natarajan
Government Advocate (Co-op)

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner while working as the Joint Registrar of Co-operative Societies was placed under suspension with regard to certain delinquency on his part and he was visited with disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The petitioner made a challenge of the said proceedings in W.P.No.24227 of 2012 and it was dismissed and challenging the same W.A.No.1306 of 2013 was filed and this Court vide judgment dated 18.03.2014 set aside the impugned order, in and by which the order of remand came to be passed and also passed further orders directing the respondents to pass orders within twelve weeks from the date of receipt of a copy of the order without prejudice to the pendency of C.M.A.(CS) No.48 of 2004 on the file of the Special Tribunal for Cooperative Cases at Salem. Accordingly,

the petitioner was permitted to retire from service on the date of his superannuation on 30.06.2005 without prejudice to the disciplinary proceedings pending against him and it has been further indicated that the said proceedings shall be continued under Rule 9 of Tamil Nadu Pension Rules, 1978, vide G.O.(2D) No.78 Cooperation, Food and Consumer Protection (CE2) Department, dated 15.12.2014.

3.The grievance now expressed by the petitioner is that though he was permitted to retire on superannuation on 30.06.2005, on initiation of Tamil Nadu Pension Rules, 1978, provisional pension has not been sanctioned to him under Rule 69(1)(a) of Tamil Nadu Pension Rules, 1978 and in this regard, he has submitted a representation dated 24.12.2014 to the first respondent and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.S.Venkataraman, learned counsel appearing for the petitioner and Mr.E.M.S.Natarajan, learned Government Advocate (Cooperatives) who accepts notice on behalf of the respondents.

5.This Court taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same directs the first respondent to consider and dispose of the petitioner's representation dated 24.12.2014 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1 The Secretary to Government of Tamilnadu, Coop
Food and Consumer Protection Dept Fort St
George Chennai - 9

2 The Registrar of Coop
Societies Chennai - 600 010

+1 cc to M/s.S.Venkataraman, Advocate, sr.51956
1 cc to Government Pleader, sr.51544

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ad co, kra 30/09