

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.35190 of 2015

P.Rajendran

.. Petitioner

Vs.

1. The Director of Town Panchayat,
Kuralagam,
Chennai-600 108.
2. The District Collector,
Salem District,
Salem.
3. The Executive Officer,
P.N.Patty Selection Grade Town Panchayat,
Mettur Dam, Salem District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to forthwith sanction and disburse all other benefits except DCRG and full pension such as payment of provisional pension with effect from 01.06.2014, surrender of earned leave, GPF, Commutation of Pension etc. with interest on the delayed payment from 01.06.2014 till the date of actual payment and to disburse the provisional pension regularly every month in future.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.V.Subbiah,
Special Government Pleader

O R D E R

By consent this writ petition is taken up for final disposal.

2. The petitioner would state that he joined the services as Record Clerk on 22.07.1982 and was promoted as Bill Collector on 02.08.1992 and as Junior Assistant in the year 2003 and claims to have rendered hard, sincere and unblemished service to the satisfaction of his superior officers. The second respondent, vide proceedings dated 04.07.2002 has issued an order not permitting the petitioner to retire from service on account of pendency of criminal case. However, the third respondent issued an order on 02.06.2014 relieving him from the post of Junior Assistant on 31.05.2015, consequent on his attaining the age of superannuation. It is the case of the petitioner that he

has not been placed under suspension before passing the order not permitting him to retire and as such, the order is per se illegal and unsustainable. The petitioner, in this regard, has submitted a detailed representation dated 13.07.2015 to the respondents praying for settlement of retiral benefits and since no orders has been passed, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner, consequent upon his retirement, as a matter of right, is entitled to get provisional pension and hence, prays for appropriate orders.

4. Heard the submissions of Mr.V.Subbiah, learned Special Government Pleader who accepts notice for the respondents and would submit that since the petitioner is facing criminal prosecution, the order has been passed not allowing him to retire from service and whatever as per the entitlement, he will be paid accordingly.

5. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the petitioner to submit one more representation, without prejudice to his rights and contentions in the departmental proceedings initiated against him, to the respondents 1 and 3 by enclosing a copy of this order and also his earlier representation dated 13.07.2015, within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider and pass orders on merits and in accordance with law especially with regard to payment of provisional pension, within a period of six weeks thereafter and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

Jvm

Sd/-

Assistant Registrar (C.C.C.)

/True Copy/

Sub-Assistant Registrar

To

1. The Director of Town Panchayat,
Kuralagam,
Chennai-600 108.
2. The District Collector,
Salem District,
Salem.
3. The Executive Officer,
P.N.Patty Selection Grade Town Panchayat,
Mettur Dam, Salem District.

+1 C.C. To Government Pleader in SR.NO.59872

+1 C.C. To M/s. Ravi, Advocate in SR.NO.59590

W.P.No.35190 of 2015

SAI(CO)
sd : 06/11/2015



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