

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2015

Coram :

The Hon'ble Mr.Justice K.KALYANASUNDARAM

W.P.No.35213 of 2015

S.Dheenadayalan

... Petitioner

vs

The Collector,
Nagapattinam,
Nagapattinam District.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondent to grant all the retirement and other service benefits due to the petitioner such as Provisional Pension, DCRG, Encashment of leave, Special Provident Fund, GPF, etc. in the light of the fact that the disciplinary proceedings against the petitioner are continued only under the Tamil Nadu Pension Rules.

For Petitioner : Mr.P.Manoj Kumar
For Respondent : Mr.S.Gunasekaran
Govt. Advocate.

ORDER

By consent, the writ petition is taken up for disposal at the admission stage itself.

2. According to the petitioner, he retired from the services of the respondent as Asst. Executive Engineer on attaining the age of superannuation on 28.02.2015. However, in the retirement order, it was stated that the disciplinary proceedings already initiated against the petitioner by the Collector, Nagapattinam District would continue under Rule 9 of the Tamil Nadu Pension Rules, 1978. The petitioner alleges that the respondent has not paid provisional pension, DCRG, Encashment of leave, Special Provident Fund, GPF, etc. to him. Therefore, he made a representation to the respondent on 31.08.2015 requesting for the above benefits, but the same has not been considered so far. Hence, this writ petition.

3. Heard Mr.P.Manoj Kumar, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate for the respondent.

4. The learned Government Advocate would submit that since enquiry under Rule 9 of the Tamil Nadu Pension Rules is pending against the petitioner, he is not entitled for the entire retirement benefits till the completion of the enquiry and that he would be entitled for only a portion of the retirement benefits, as per the decision of the Hon'ble Supreme Court.

5. This Court, taking into consideration the above facts and circumstances and without going into the merits of the case, directs the respondent to consider and dispose of the representation of the petitioner dated 31.08.2015, on merits and in accordance with law and pass orders, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. With the above direction, this writ petition is disposed of. No costs.

rgr

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

The Collector,
Nagapattinam,
Nagapattinam District.

+ 1 cc to Mr.P.Rajendran, Advocate SR 64415

+ 1 cc to the Govt.Pleader High Court, Madras SR 63584

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