



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA**

W.P(MD)No.16348 of 2015

and MP(MD)No.1 of 2015

M.Rajendran

... Petitioner

Vs.

1.The Director of Agricultural
Marketting & Agri Business,
Guindy,
Chennai-600 032.

2.The Deputy Director of
Agriculture (Agri Business),
Madurai-625 020.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents I.e., the Director of Agricultural Marketting & Agri Business, Chennai and the Deputy Director of Agriculture (Agri Business), Madurai to sanction provisional pension and DCRG as per Rule 60 (i)(c) of the Pension Rule and as per the petitioner's representation dated 01.04.2015 within a specified time frame.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Sadeskumar
Additional Government Pleader

O R D E R

This writ petition has been filed by Mr.M.Rajendran, seeking issuance of Writ of Mandamus under Article 226 of Constitution of India, directing the first and second respondents I.e., the Director of Agricultural Marketting & Agri Business, Chennai and the Deputy Director of Agriculture (Agri Business), Madurai to sanction provisional pension and DCRG as per Rule 60(i)(c) of the Pension Rule and as per the petitioner's representation dated 01.04.2015.

2.Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner and Mr.S.Sadeskumar, learned Additional Government pleader appearing for the respondents.

3.This Court on 09.09.2015 has passed the following order:-

<https://hcservices.ecourts.gov.in/hcservices/> :
The petitioner, who was served as Agricultural Officer, was permitted to retire from service by G.O(3D)No.111, Agriculture (AA-8) Department, dated 30.03.2015 subject to the result of the disciplinary



proceedings initiated against him under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Therefore, the grievance of the petitioner is that the Enquiry Officer submitted a report holding that he is liable to pay a sum of Rs.1927/- (1074 + 328 + 525) under three charges. The said amount can be deducted by DCRG, so that, the monthly pension payable by the petitioner as per Rule can be released in the light of the Rule 60(i) (a) (b), which are given as under:-

"60. Provisional Pension where departmental or judicial proceedings (or enquiry by the Director of Vigilance and Anti-corruption) may be ending

(1) (a) In respect of a Government servant, referred to in sub-rule (4) of Rule 9, the Audit Officer shall authorise the payment of provisional pension not exceeding the maximum pension which would have been admissible on the basis of the qualifying service upto the date of retirement of the Government servant.

(b) The provisional pension shall be authorized by the Audit Officer during the period commencing from the date of retirement to the date on which, upon conclusion of the departmental or judicial proceedings (Or enquiry by the Director of Vigilance and Anti-corruption), final orders are passed by the competent authority."

2.This Court, prima facie, finds that as per report of the Enquiry Officer, when the petitioner comes forward on his own volition to pay the amount indicated by the Enquiry Officer, it is not known why the disciplinary authority has not immediately taken action.

3. At this point of time, Mr.S.Sadeshkumar, learned Additional Government Pleader takes notice for the respondents and seeks time to get instruction.

4. Post the matter after one week immediately after admission."

4.In view of the fact that the petitioner has accepted the report of the enquiry officer and fairly submitted that whatever the amount is due and payable by the petitioner, the same will be adjusted from his DCRG.

5.Recording the above statement, the respondents are directed to deduct the amount of Rs.1927/- from the DCRG and release the balance amount within two weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

/True Copy/



To

1.The Director of Agricultural Marketting & Agri Business,
Guindy,
Chennai-600 032.

2.The Deputy Director of Agriculture (Agri Business),
Madurai-625 020.

+1cc to M/S.S.Visvalingam, Advocate in SR.No. 60680

+1cc to Special Government Pleader in SR.No. 60921

TS/18.11.2015/3P-5C/MP/SAR II

W.P. (MD) No.16348 of 2015

13.10.2015