

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.34365 of 2016

K.Pachiappan

... Petitioner

Vs.

- 1 The Secretary to Government
Revenue Department,
Fort St.George,
Chennai – 600 009.
- 2 The Director of Treasuries and Accounts
Panagal Building,
Saidapet,
Chennai – 600 015.
- 3 The District Collector
Salem,
Salem District.
- 4 The Treasury Officer
District Treasury,
Salem,
Salem District.
- 5 The Asst. Treasury Officer
Sub Treasury Omalur,
Omalur Taluk,
Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to sanction and

pay the arrears of pension to the tune of Rs.2,63,329/- with interest payable to the Petitioner as recommended by the 5th respondent by considering the petitioner's representation dated 27.08.2016.

For Petitioner : Mr.M.Elango
For Respondents : Mr.R.Venkatesh
Government Advocate

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondents to sanction and pay the arrears of pension to the tune of Rs.2,63,329/- with interest payable to the Petitioner as recommended by the fifth respondent by considering the petitioner's representation dated 27.08.2016.

3.The petitioner would state that after serving 33 years of service in the Revenue Department, he was permitted to retire from service on 30.06.2005 as Tahsildar (DRS) on attaining superannuation. The terminal benefits payable to him was not paid by the competent authority. Hence, he filed writ petition before this Court in W.P.No.49676 of 2006 and this Court vide order dated 04.01.2007 granted direction to pay Gratuity, Commuted Value of Pension and

Pension. Thereafter, the Government issued instructions in letter no.4898/Ser 4(1) / 2007-9 dated 29.08.2007 to make payment of pensionary benefits.

4.The petitioner would further state that in the meanwhile, the Government passed G.O.Ms.No.3 (T) No.9 Revenue Service 4(1) Department dated 04.07.2007 sanctioning to initiate disciplinary proceedings against the petitioner under Rule 9 of the Tamilnadu Pension Rule. Thereafter, the third respondent issued charge memo on 09.08.2007, Enquiry Officer was appointed and the said Enquiry Officer filed his final report before the Government stating that the charges levelled against the petitioner have been proved. However, the Government has not passed final order in the disciplinary proceedings. Therefore, the petitioner once again, filed W.P.No.1378 of 2015 seeking a direction to the Government to pass final order in the said charge memo and this Court vide order dated 27.02.2015, directed the respondents to pass final order in the charge memo within a period of four weeks. Thereafter, the Principal Secretary/ Commissioner for Revenue Administration, Chennai passed final order on 17.11.2015 to the effect to cut in pension at 20% for the period of one year.

5.The petitioner would further state that in view of the pendency of the charge memo, the revised pension was not paid to him. Now, the Government has passed a final order of punishment viz., cut in pension at 20% for the period of one year. Hence, the respondents ought to have revised his pension and paid the same to him. The fifth respondent vide proceedings dated 10.02.2016, made proposal for sanctioning of arrears of pension to the fourth respondent with a request to forward the same to the Government. The petitioner in this regard, made a representation dated 27.08.2016 to the respondents 1 to 4 seeking to sanction and pay the arrears of pension, but the same was not considered. Hence, this petition.

6.Heard the submissions of the learned counsel appearing for the petitioner and the learned Government Advocate who takes notice for the respondents.

7.Considering the submissions made on either side and without going into the merits of the same, this Court directs the respondents to consider the petitioner's representation dated 27.08.2016, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of accordingly. No costs.

29.09.2016

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Index: Yes / No

Internet: Yes / No

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R.SUBBIAH,J.
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