

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41546 of 2016

N.Viswanathan

.. Petitioner

Vs

- 1 The Government of Tamil Nadu
Rep by Secretary to Govt. Environment and
Forest Department Secretariat Chennai-600
009
 - 2 The Principal Chief
Conservator of Forest Panagal Building
Chennai-600 015
 - 3 The District Forest Officer
Hosur Division Hosur
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the representation of the petitioner dated 15.05.2016 for sanction of provision pension to petitioner with effect from September, 2014.

For Petitioner : M/s.T.Dharani
For Respondents : Mr.N.Inbanathan,
Govt. Advocate (Forest)

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider his representation dated 15.5.2016 for sanction of provisional pension with effect from September, 2014.

3. It is the case of the petitioner that while he was serving as Forest Guard in Gandagoundanoor Village, Regadakalli (Post), Dharmapuri District, the third respondent vide proceedings dated 10.3.2004, permitted him to retire from service on attaining the age of superannuation on 29.2.2004 without prejudice to the criminal case pending against him. Subsequently, the said criminal case ended in conviction, against which, the petitioner filed an appeal in Crl.A.No.660 of 2011 and this Court, by order dated 19.10.2011 in Crl.M.P.No.1 of 2011, released him on bail. However, all of a sudden, the provisional pension granted to the petitioner was stopped from September, 2014. Similarly placed persons like that of the petitioner, who were all convicted along with him, have been allowed to continue to render service in their respective posts and all of them have been getting pension without any hindrance. In this regard, he submitted a representation dated 15.5.2016 to the third respondent narrating all the above facts and requested him to sanction and pay the provisional pension, which was stopped from September, 2014. However, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Forest), who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the third respondent to consider the representation of the petitioner dated 15.5.2016 seeking sanction of provisional pension, which was stopped from September, 2014 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

1 The Secretary to Government
The Government of Tamil Nadu
Environment and
Forest Department Secretariat Chennai-600
009

2 The Principal Chief
Conservator of Forest Panagal Building
Chennai-600 015

3 The District Forest Officer
Hosur Division Hosur

+1cc to Mr.T. Dharani, Advocate, S.R.No.69018

+1cc to the Government Pleader, S.R.No.69237

ru(CO)

md(09/12/2016)

W.P.No. 41546 of 2016



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