



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.16821 of 2016

R.Vasantha

... Petitioner

-vs-

1. The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Dindigul, Dindigul District.

2. The Sub Treasury Officer,
O/o. The Sub Treasury Office,
Natham, Dindigul District.

3. The Tahsildar,
O/o. the Tahsildar Office,
Natham Taluk,
Dindigul District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to issue certificate that No Provisional Pension is sanctioned and No Due Certificate and consequently to direct the 2nd respondent to disburse the Pension Commutation Death Cum Retirement Gratuity(DCRG) and other retirement benefits.

For Petitioner : Mr.C.Venkatesh Kumar, for
M/s.Ajmal Associates

For Respondents : Mrs.S.Bharathi
Government Advocate

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to issue certificate stating that No Provisional Pension is sanctioned and No Due Certificate and consequently, direct the second respondent to disburse Pension Commutation, Death Cum Retirement Gratuity(DCRG) and other retirement benefits.



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

3.The petitioner has retired on superannuation on 30.06.2013. Initially, she had been appointed as Karnam on compassionate ground at Taluk Office, Melur, Madurai District. Thereafter, she was ousted from service on 14.08.1980 and subsequently, she was appointed as Village Administrative Officer on 27.01.1996 in the time scale of pay.

4.A charge memo has been issued against the petitioner under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, for which she has been awarded a punishment of stoppage of increment for a period of three years with cumulative effect by the first respondent in his proceedings, dated 23.02.2005. An appeal was filed before the District Revenue Officer which was rejected and the revision preferred before the Additional Director of Revenue Administration was also rejected. Challenging the punishment order as well as the rejection orders, WP(MD)No.6354 of 2010 was filed by the petitioner, in which, interim stay has been granted.

5.The Principal Accountant General (A & E) Chennai has authorised the pension proposals by communication dated 09.11.2015. However, it is the grievance of the petitioner that pension has not been granted so far. In order to facilitate for the grant of pension, the petitioner has given a representation on 21.03.2016. In the said representation, the petitioner did not expressly requested for issuance of certificates, to be issued by the respondents. It is submitted that if the petitioner had made express mention regarding the requirement of documents, i.e., certificates, the respondents would have furnished the same.

6.Therefore, the petitioner is permitted to give a fresh representation, giving details of the certificates required i.e., (a) No due certificate (b) Certificate stating that no provisional pension is sanctioned to the petitioner. The representation shall be submitted within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and issue necessary certificates within a period of one week thereafter.

7.The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/



To

1. The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Dindigul, Dindigul District.

2. The Sub Treasury Officer,
O/o. The Sub Treasury Office,
Natham, Dindigul District.

3. The Tahsildar,
O/o. the Tahsildar Office,
Natham Taluk,
Dindigul District.

+ 1 CC TO M/S.AJMAL ASSOCIATES, ADVOCATE IN SR No. 50457

MJ

TE/SK-SKN : 24/10/2016 : 3P/5C

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