

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.5807 of 2017 & W.M.P. No.6222 of 2017

N. Ravindran

Petitioner

vs.

- 1 Government of Tamil Nadu  
represented by its Secretary  
Social Welfare and Nutritious Meal Programme  
Secretariat  
Chennai
- 2 The Director  
Integrated Child Development Services Scheme (ICDS)  
Taramani
- 3 The District Project Officer (ICDS)  
Office of the District Collector  
Krishnagiri
- 4 The District Project Officer (ICDS)  
Office of the District Collector  
Thiruvarur

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 and 3 to disburse the provisional pension as applicable to the cadre of District Project Officer and Provident Fund contribution to the petitioner with interest from the date of retirement (31.07.2015) to the date of disbursement.

For petitioner  
For respondents

Mr. R. Subramanian  
Mr. V. Jayaprakash Narayanan  
Special Government Pleader

ORDER

Mr. V. Jayaprakash Narayanan, learned Special Government Pleader, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondents 2 and 3 to disburse

provisional pension as applicable to the cadre of District Project Officer and Provident Fund contribution to the petitioner with interest from the date of retirement (31.07.2015) to the date of disbursement.

3 The case of the petitioner, in a nutshell, is as under:

3.1 The petitioner was originally appointed on 17.07.1984 as Teacher Educator in the District Communication Office, Tamil Nadu Integrated Nutrition Project, Vellore, in the pay scale of Rs.600-30-750-35-890-40-1050 and thereafter, on 02.05.1991, he was also appointed as District Communication Officer in the District Communication Office, Tamil Nadu Integrated Nutrition Project, Vellore in the pay scale of Rs.600-30-750-35-890-40-1050. After nine long years of service, on 04.12.2010, he was promoted to the post of District Project Officer, Integrated Child Development Services, Krishnagiri. By that time, he claims to have completed 26 years of service.

3.2 While so, on 06.03.2013, he was placed under suspension and a charge memo dated 16.04.2013 was issued to him. However, the suspension order dated 06.03.2013 was revoked by the first respondent vide G.O. (RT) No.72, Social Welfare & Nutritious Meal Programme Department dated 24.03.2014 and on the same day, he was posted as District Project Officer in Tiruvarur District. Subsequently, on 23.07.2014, he was also given additional charge as District Project Officer to look after Nagapattinam District.

3.3 Meanwhile, since his date of superannuation is 31.07.2015, he addressed a representation dated 06.07.2015 to the second respondent seeking permission to retire him on his reaching the age of superannuation. But, the first respondent rejected the petitioner's representation vide G.O. (2D) No.14, Social Welfare and Nutritious Meal Programme (SW1) Department dated 31.07.2015 stating that the petitioner will not be permitted to retire from service on the afternoon of 31.07.2015 and that he will be retained in service until the disciplinary proceedings initiated against him are finalised and final orders issued by the competent authority.

3.4 Therefore, the petitioner has addressed a representation dated 16.12.2016 to the respondents seeking disbursal of his provisional pension, as applicable to the District Project Officer and also his Provident Fund contribution, as he is eking out his livelihood only from his salary. It is not known as to when final orders are going to be passed in the disciplinary proceedings. Therefore, if a direction is given to the respondents 2 and 3 to disburse provisional pension as applicable to the cadre of District Project Officer, no prejudice will be caused to either side.

4 This Court finds that when the petitioner's suspension order dated 06.03.2013 was revoked by the first respondent vide G.O. (RT) No.72, Social Welfare & Nutritious Meal Programme Department dated 24.03.2014 and subsequently, he was re-posted as District Project Officer in Tiruvarur District on 24.03.2014 and also given additional charge as District Project Officer to look after Nagapattinam District on the same day and the disciplinary proceedings initiated against him are not over, he has given a representation on 06.07.2015 seeking permission to retire from service which has been rejected and he has been retained in service until completion of disciplinary proceedings initiated against him.

5 Therefore, it is imperative on the part of the respondents 2 and 3 to consider the petitioner's request for disbursal of his provisional pension, in accordance with law, as early as possible, preferably within a period of three weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. Costs made easy. Connected W.M.P. is closed.

-s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary  
Social Welfare and Nutritious Meal Programme  
Government of Tamil Nadu  
Secretariat  
Chennai
- 2 The Director  
Integrated Child Development Services Scheme (ICDS)  
Taramani
- 3 The District Project Officer (ICDS)  
Office of the District Collector  
Krishnagiri

4 The District Project Officer (ICDS)  
Office of the District Collector  
Thiruvavarur

+1 CC to Mr. R. Subramanian, Advocate sr 15704  
+1 CC to Govt. Pleader sr 15742

W.P. No.5807 of 2017

VGI (CO)  
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