



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].No.271 of 2017
and
C.M.P.[MD].No.2880 of 2017

- 1.The Transport Commissioner,
Ezhilagam, Chepauk, Chennai-600 005.
- 2.The Deputy Transport Commissioner,
Tirunelveli Zone,
Tirunelveli.
- 3.The Regional Transport Officer,
Madurai (South), Madurai. : Appellants

Vs.

P.Maruthupandian : Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 18.11.2013 made in W.P.(MD).No.18302 of 2013 on the file of this Court.

Prayer in WP(MD)No.18302/2013:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first and second respondents to disburse the Provisional Pension and DCRG as per proviso to Rule 60 (1) (c) of Tamil Nadu Pension Rules within a specified time frame that may be fixed by this Honourable Court and dispose of the disciplinary action initiated Memo R.No.3120/A5/2012 within a specified time frame that may be fixed by this Honourable High Court.

For Appellants : Mr.VR.Shanmuganathan
Special Government Pleader

For Respondent : Mr.S.Visvalingam



JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]
Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.S.Visvalingam, learned counsel appearing for the respondent. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. The Writ Appeal is directed as against the order dated 18.11.2013, made in W.P.(MD).No.18302 of 2013, by which the Writ Court directed the appellants herein to pay provisional pension to the writ petitioner.

3. The learned Special Government Pleader would submit that the provisional pension could not have been directed to be granted to the Writ Petitioner, as the departmental proceedings initiated against the writ petitioner were pending and Rule 60(1)(c) of the Tamil Nadu Pension Rules provides for fixing provisional pension only after the departmental proceedings had been concluded.

4. Mr.S.Visvalingam, learned counsel for the caveator, would submit that, as of now, disciplinary proceedings have been concluded and the Writ Petitioner has been paid the provisional pension.

5. In the light of the same, the challenge made to the order passed in the Writ Appeal has become infructuous, on account of the subsequent event. Hence, recording the submission made by the learned counsel for the respondent, the Writ Appeal is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Transport Commissioner,
Ezhilagam, Chepauk, Chennai-600 005.
 - 2.The Deputy Transport Commissioner,
Tirunelveli Zone, Tirunelveli.
 - 3.The Regional Transport Officer,
Madurai (South), Madurai.
- +One cc to Mr.S.Visvalingam, Advocate, SR.No.17923
NB
RL/5C/2P/MR/SAR2/10.4.2017