



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2017

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.3488 of 2017

WEB COPY

R.R.Ramdoss

... Petitioner

Vs.

1.The Accountant General,
Thenampet, Chennai 600 018.

2.The Treasury Officer,
District Treasury, Madurai.

3.The Assistant Commissioner (HR & CE),
Administration Department, Madurai 625 001. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the 2nd respondent to disburse the pension and commutation of pension as per the specific sanction order issued by the Accountant General, Chennai in his orders No.PO3/10317914/3/PPO No.RO 317914 dated 08.12.2016 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.P.Gunasekaran for R1
Mr.A.K.Baskarapandian,
Spl.G.P.for R2 and R3

O R D E R

The petitioner seeks for a Writ of Mandamus directing the 2nd respondent to disburse the pension and commutation of pension in view of the sanction order dated 08.12.2016 in No.PO3/10317914/3/PPO No.RO 317914 passed by the 1st respondent within a time frame.

2.The case of the petitioner is that the petitioner, who was serving as Inspector (suits) in the office of the 3rd respondent, was allowed to retire from service on 31.08.2012 by a proceedings No.19940/2012/B2 dated 30.08.2012 without prejudice to the two disciplinary proceedings pending against him. As per the proceedings No.32832/2010/B5 dated 05.09.2014 a pension cut of Rs.100/- per month for a period of one year and another proceedings No.19940/2012/B2 dated 10.09.2014 a pension cut of Rs.250/- for 18 months were imposed. The 1st respondent / Accountant General, Chennai, sanctioned the pension and commutation of pension as per the sanction order No.PO3/10317914/3/PPO No.RO 317914 dated 08.12.2016 specifically mentioning the cut of Rs.100/- per month for a period of one year and Rs.250/- per month for a period of 18 months.



3.The grievance of the petitioner is that even after the disposal of the disciplinary actions and sanction of pension and commutation of pension by the 1st respondent mentioning the above said two pension cut orders, the 2nd respondent has not yet disbursed the pension and commutation of pension to him.

4.Heard the learned counsel for the petitioner and the learned counsel for the 1st respondent and the learned Special Government Pleader appearing for the respondents 2 and 3.

5.It is seen that two departmental proceedings were ended in punishment and that the petitioner would be entitled to get pension and there cannot be any hurdle for the respondent to release the pension to the petitioner after giving effect to the pension cut. Accordingly, the 2nd respondent is directed to disburse the pension and commutation of pension as per specific sanction order issued by the 1st respondent and after the period of punishment is over, the original pension can be restored.

6.The Writ petition is disposed of accordingly. No costs.

SD/-

ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

TO

1.The Accountant General,
Thenampet, Chennai 600 018.

2.The Treasury Officer,
District Treasury, Madurai.

3.The Assistant Commissioner (HR & CE),
Administration Department, Madurai 625 001.

+1 CC TO MR.S.VISVALINGAM, ADVOCATE,SR NO.11120

+1 cc to MR.P.GUNASEKARAN, Advocate SR.No.11554

+1 cc to Special Government Pleader SR.No.11601

nbg

MAS/MR:11.05.2017:2P-7C

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