

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2893 of 2018

C.Kanagajothi

..Petitioner

-vs-

1. The Secretary to Government
Cooperation, Food and Consumer
Protection Department
Secretariat
Chennai 600 009
 2. The Registrar of Cooperative Societies
170, Periyar EVR Salai
Kilpauk
Chennai 600 010
 3. The Joint Registrar of Cooperative Societies
Kancheepuram Region
No.5A, Vandavasi Salai
Kancheepuram 631 501
 4. The Accountant General Tamil Nadu (A&E)
Mount Road
Chennai 600 018
- ..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to forward the pension proposals submitted by the petitioner on 31.7.2017 to the Accountant General, the fourth respondent, who is the competent authority to sanction pension, commutation of pension and DCRG amount, as the petitioner has already been allowed to retire from service by the first respondent in G.O.(D) No.291, Cooperation, Food and Consumer Protection Department dated 8.12.2016 within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner :: Mr.T.Ranganathan

For Respondents:: Mr.L.P.Shanmughasundaram
Special Government Pleader
for R1 to 3

ORDER

The petitioner was permitted to retire from service by G.O. (D).No.291, Cooperation, Food and Consumer Protection (CD2) Department dated 8.12.2016, making it clear that the suspension order passed against him and retaining him in service under FR 56(1)(c), is revoked. Finally the first respondent, finding him guilty of the charges, imposed the penalty of cutting Rs.500/- from his monthly pension for a period of three years in G.O.(D) No.57, Cooperation, Food and Consumer Protection Department dated 23.3.2017. Therefore, it is the claim of the petitioner that once the G.O.(D) No.291 dated 8.12.2016 has been issued permitting the petitioner to retire from service and the disciplinary proceedings also came to an end vide G.O.(D) No.57 dated 23.3.2017 imposing the penalty of cutting Rs.500/- from his monthly pension for a period of three years, the second respondent should re-submit the proposal, as submitted by the petitioner on 31.7.2017, to the fourth respondent.

2. The learned Special Government Pleader for the respondents 1 to 3 sought four weeks time for the respondents 2 & 3 to process the pension proposal for being transmitted to the fourth respondent.

3. As no notice is required for the fourth respondent, namely, the Accountant General (A&E), Tamil Nadu, this Court, taking note of the factor that the first respondent in G.O.(D) No.291, Cooperation, Food and Consumer Protection Department dated 8.12.2016 has permitted the petitioner to retire from service and he was also imposed with the punishment of cutting Rs.500/- from his monthly pension for a period of three years vide G.O.(D) No.57 dated 23.3.2017, hereby directs the second and third respondents to re-submit the pension proposal of the petitioner to the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

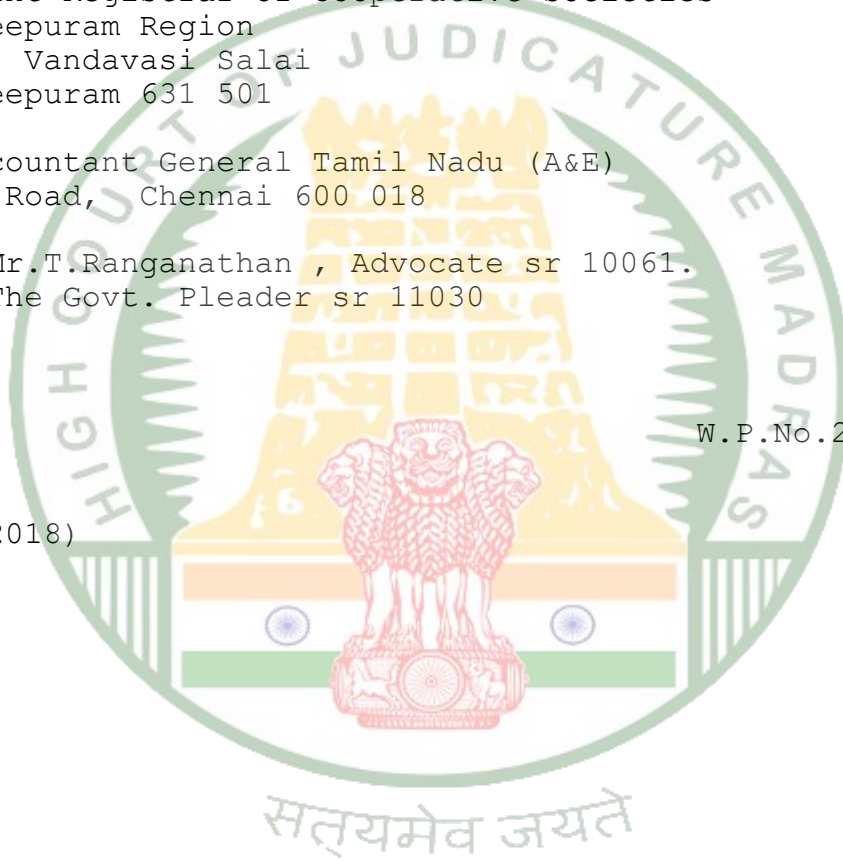
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To

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- +1 CC to Mr.T.Ranganathan , Advocate sr 10061.
+1 CC to The Govt. Pleader sr 11030

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GP(CO)
SP(26/02/2018)



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