

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.19515 of 2010

B.D.Vethamanickam

... Petitioner

Vs.

1.Government of Tamil Nadu,
represented by Secretary to Government,
Revenue Department,
Secretariat, Chennai - 9.

2.The District Collector,
Salem.

3.The Director of Pensions,
Chennai-600 006.

4.The Accountant General (A&E)
Tamil Nadu,
Chennai-600 018.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 1st respondent/Government to consider the representations dated 15.12.2009 of the petitioner for sanction of minimum pension and pass orders thereon within a time limit.

For Petitioner : Mr.M.Ravi

For R1 to R3 : Mr.J.Ramesh, AGP

For R4 : Mr.Hema Muralikrishnan

ORDER

The petitioner has come up with the present writ petition for a mandamus directing the 1st respondent to consider his representation dated 15.12.2009 for sanction of minimum pension and pass orders thereon within a time limit.

2.When the matter was taken up for consideration, the learned counsel for the fourth respondent submitted that the

issue involved herein is squarely covered by the decision of the Supreme Court in the case of C.Jacob v. Director of Geology and Mining and another [2008 (10) SCC 115], wherein, in para 17, it has been held as follows:

"....Rule 43(2) of TNP Rules (Rule 49(2)(b) of CCSP Rules) as noticed earlier, comes into play only when the Government servant is entitled to any of the classes of pension enumerated under Chapter V of the Pension Rules. Therefore, when Rule 43(2) of TNP Rules (or Rule 49(2)(b) of CCSP Rule) dealing with the quantum of pension refers to a government servant retiring in accordance with the said rules after completing qualifying service of not less than 10 years, it does not mean that pension is payable to persons who have not completed the required minimum number of years (20 years) of service or to persons who have forfeited their service on dismissal/removal from service. Therefore, the appellant is not entitled to pension."

3.Following the aforesaid decision, this writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 9.

2.The District Collector,
Salem.

3.The Director of Pensions,
Chennai-600 006.

4.The Accountant General (A&E)
Tamil Nadu, Chennai-600 018.

+lcc to the Government Pleader Sr.38313

W.P.No.19515 of 2010

srg 19/07/2018