



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.1560 of 2018

N.Ravinchandran

...Petitioner

Vs.

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Assistant Director of Rural
(Development) Audit,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the petitioner's terminal benefits, gratuity and provisional pension within the stipulated time, fixed by this Court.

For Petitioner : Mr.K.Baskaran

For Respondents : Mr.M.Jeyakumar

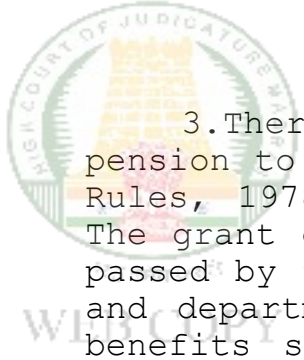
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal

3.The petitioner was working as a Jeep Driver. He reached the age of superannuation on 31.08.2017. He was permitted to retire. But the disciplinary action initiated against him was allowed to be continued under Rule 9 of Tamil Nadu Pension Rules, 1978. The petitioner while in service had caused a fatal accident. In that regard, charge memo was issued against him and criminal prosecution is also pending. On these grounds, the retiral benefits of the petitioner cannot be withheld in Toto. The Hon'ble Division Bench in the decision reported in 2016 Writ L.R.80 (The Secretary to Government, Highways and Rural Works Department, Fort St.George, Chennai-9 and another Vs. Thiru.K.Jaganathan, Assistant Divisional Engineer, Highways) held that the petitioner would be entitled to provisional pension and that the gratuity amount can be directed to be paid. In the present case, there is no loss of revenue caused to the State.



3. Therefore, the respondents are directed to pay provisional pension to the petitioner in accordance with the Tamil Nadu Pension Rules, 1978 and also disburse the gratuity amount payable to him. The grant of pension shall be determined in the final orders to be passed by the Government based on the outcome of the criminal case and departmental proceedings pending against the petitioner. The benefits shall be disbursed within a period of eight weeks from today.

4. The Writ Petition is allowed accordingly. No costs.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.

2. The Assistant Director of Rural
(Development) Audit,
Ramanathapuram,
Ramanathapuram District.

+1cc to Special Government Pleader, SR.No. 50559
+1cc to M/S.K.Baskaran, Advocate SR.No. 50026

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20.02.2018

tsg
JM/SV MMS/SAR 1/22.02.2018/2P/5C