



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE T.RAJA
and
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.20067 of 2018

K.Chokkalingam ... Petitioner
Vs.

1.The Principal District Judge,
Virudhunagar District,
Srivilliputhur.

2.The Subordinate Judge,
Srivilliputhur,
Virudhunagar District.

3.The Accountant General,
Office of the Accountant General,
Chennai.

... Respondents

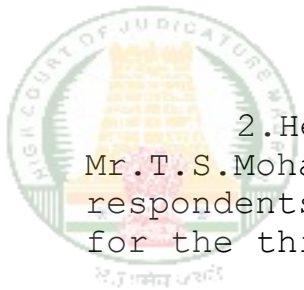
PRAYER: The writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the issuance of the proceedings of the first respondent herein vide D.No.2787/A1/2014, dated 30.04.2014 and quash the same and direct the first and second respondents to forward the pension proposal of the petitioner to the third respondent, Accountant General, Chennai, for the grant of pension in terms of Pension Rules.

For Petitioner	: Mr.S.Kadarkarai
For Respondents	: Mr.T.S.Mohamed Mohideen
1 & 2	
For Respondent 3	: Mr.P.Gunasekaran

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking Writ of Certiorarified Mandamus, calling for the records relating to the issuance of the proceedings of the first respondent herein vide D.No.2787/A1/2014, dated 30.04.2014 and quash the same and direct the first and second respondents to forward the pension proposal of the petitioner to the third respondent, Accountant General, Chennai, for the grant of pension in terms of Pension Rules.



2. Heard the learned Counsel appearing for the petitioner, Mr.T.S.Mohamed Mohideen, learned Counsel appearing for the respondents 1 and 3 and Mr.P.Gunasekaran, learned Standing Counsel for the third respondent.

3. The learned Counsel appearing for the petitioner assailing the impugned order submitted that the petitioner was permitted to retire from service on reaching superannuation on 30.04.2014 but his pension proposals were not sent to the Accountant General, Chennai. The respondents 1 and 2 are withholding the pension proposals stating that unless the petitioner repays a sum of Rs.1,00,000/- to the complainant, his pension proposals cannot be forwarded. The impugned order passed on the basis of the order dated 19.12.2013 by the first respondent clearly shows that the petitioner was directed to refund the amount due and payable to the complainant before sending the pension proposals and also further directed to get the acknowledgement from the complainant to be submitted to the Principal District Court, Virudhunagar. As the said amount has not been paid fully, we are unable to find any substance or merits in the present Writ Petition.

4. Although the learned Counsel appearing for the petitioner pleaded that the amount due and payable to a private party cannot be a ground for withholding the pension proposals for being sent to the Accountant General, Chennai, the equity demands that the petitioner, who has served as a Junior Bailiff, should also abide by the law and hence, we direct him to pay the money due and payable to the complainant. Finally, the learned Counsel appearing for the petitioner sought for three weeks time to repay the entire balance amount to the complainant and get the acknowledgement thereof to be submitted to the second respondent and the same shall be forwarded to the first respondent. On receipt of the acknowledgement by the first respondent from the second respondent indicating that the full payment of the amount to the complainant, the first respondent shall forward the pension proposals to the third respondent forthwith. However, we are not inclined to interfere with the impugned order. Hence, the Writ Petition fails and accordingly, the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar(CS-IV)

To

The Principal District Judge,
Virudhunagar District,
Srivilliputhur.



2.The Subordinate Judge,
Srivilliputhur,
Virudhunagar District.

+1. C.C. to M/S.S.Kadarkarai Advocate SR.No. 85161

+1. C.C. to M/S.T.S.Mohamed Mohideen Advocate SR.No. 85169

+1. C.C. to M/S.P.Gunasekaran Advocate SR.No.85581

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19.09.2018

srm

JM/VR MMS/SAR 4/20.09.2018/3P/6C