



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2019

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.16039 of 2019

A.Krishnan

...Petitioner

Vs.

1.The Inspector General of Registration (Regn)
Chennai 28.

2.The District Registrar (Admn),
Office of the District Registration,
Ramanathapuram.

3.The Accountant General (Pension),
Chennai 18.

4.The District Treasury Officer,
District Treasury Office,
Ramanathapuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay monthly provisional pension to the petitioner at Rs.11,625/- every month, from the date of his retirement i.e. 28.02.2015 on the basis of the order passed by the second respondent dated 30.10.2016 and 11.06.2019, within the time stipulated by this Court.

For Petitioner	: Mr.C.Jeganathan for M/s.Veera Associates
For R1 & R2	: Mr.M.Murugan Government Advocate
For R3	: Mr.P.Gunasekaran Standing Counsel
For R4	: Mr.M.Pandiarajan Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to pay monthly provisional pension of Rs.11,625/- to the petitioner per month, from the date of his retirement.



2.The learned counsel for the petitioner would submit that the petitioner was retired from service on 28.02.2015, while he was working as Sub Registrar. Accordingly, the petitioner made a representation to the first respondent, requesting him to pay the monthly provisional pension to the petitioner. Thereafter, in turn, the first respondent has forwarded the said representation to the second respondent and by communication dated 31.10.2016, the second respondent directed the respondents 3 and 4 to issue monthly provisional pension of Rs.11,625/- per month to the petitioner from the date of his retirement by enclosing a computerised calculation memo. So far, no action has been taken.

3.Thereafter, the petitioner made another representation to the respondents seeking for monthly provisional pension and on such representation, on 11.06.2019, the second respondent has again passed the same order stating that the petitioner is entitled to the provisional pension for a sum of Rs.11,625/- per month. But, on enquiry, the petitioner came to know that the second respondent did not sent the provisional pension payment papers while sending the communication to the respondents 3 and 4 as stated above. Hence, the petitioner is before this Court for the relief stated supra.

4.The learned Government Advocate appearing for the respondents 1 and 2 would submit that on 06.08.2019, the second respondent has already sent a proposal to the fourth respondent along with necessary documents and a calculation memo for payment of monthly provisional pension to the petitioner. After that, for rectifying some error made in the calculation memo, the fourth respondent has sent it again to the second respondent.

5.At this juncture, the learned Government Advocate appearing for the respondents 1 and 2 would submit that after rectifying the error made in the calculation memo, the same shall be forwarded by the second respondent to the fourth respondent for payment of monthly provisional pension to the petitioner.

6.Considering the facts and circumstances of the case and in view of the submission made by the learned Government Advocate appearing for the respondents 1 and 2, this Court is inclined to pass the following directions:

i) the second respondent is directed to send the proposal along with necessary documents to the fourth respondent by rectifying the corrections as required by the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order; and

ii) on receipt of such proposal, the fourth respondent is directed to pass appropriate orders on the same on merits and



in accordance with law, within a period of eight weeks thereafter;

7. With the above directions, this Writ Petition is disposed of.
No costs.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector General of Registration (Regn)
Chennai 28.
2. The District Registrar (Admn),
Office of the District Registration,
Ramanathapuram.
3. The District Treasury Officer,
District Treasury Office, Ramanathapuram.
4. The Accountant General (Pension),
Chennai 18.

+1 CC to M/s. VEERA ASSOCIATES, Advocate SR-83376.
+1 CC to Mr. P. GUNA SEKARAN, Advocate SR-83451.
+1 CC to SPL GP SR-83296.

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CS(10.09.2019) 3P 8C