



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19599 of 2019

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V.Ganapathi

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai.
 - 2.The Principal Chief Conservator of Forest,
Panagal Maaligai,
No.1 John's Road,
Saidapet,
Chennai.
 - 3.The District Forest Officer,
Thoothukudi.
 - 4.The Divisional Manager,
LAWSON Tea Division,
TANTEA,
Chincona Post,
Valparai,
Coimbatore District.
 - 5.The Accountant General,
Office of Accountant General,
Teynampet,
Chennai-18.
 - 6.The Sub-Treasury Officer,
Rajapalayam,
Virudhunagar District.
- ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents herein to disburse the sum of Rs.1,59,411/- which was recovered from the commutation value of pension and a sum of Rs.1,18,499/- which was recovered from the pension the petitioner's husband by way of punishment along with 18% interest



per annum for the delayed payment.

For Petitioner : M/s.Porkodi Karnan
for M/s.Polax Legal Solutions
For R1 to R3 & R6 : Mr.V.Anand,
Government Advocate
For R5 : Mr.P.Gunasekaran

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ORDER

This writ petition is filed seeking for a mandamus, directing the Respondents herein to disburse a sum of Rs.1,59,411/-, which was recovered from the commutation value of pension and a sum of Rs.1,18,499/-, which was recovered from the pension of the petitioner's husband, by way of punishment along with 18% interest per annum for the delayed payment.

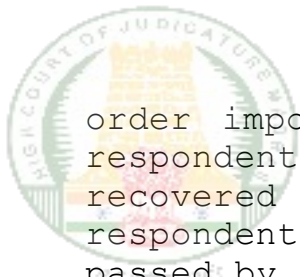
2.Mr.V.Anand, learned Government Advocate takes notice for the respondents 1 to 3 and 6 and Mr.P.Gunasekaran, learned counsel takes notice for R5. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner's husband after serving in the fourth respondent retired from service in the year 1999. After his retirement, charge memo was issued and pursuant to the same, punishment was imposed in G.O.(2D) No.39, dated 26.06.2008, reducing pension at the rate of 1,058/- per month for a period of one year, besides ordering recovery. Challenging the order of punishment, the petitioner's husband filed a writ petition in W.P.(MD)No.8329 of 2008. This Court, by the order, dated 16.06.2016, set aside the order of punishment and allowed the writ petition.

4. According to the petitioner, even after the order of this Court, the respondents have not paid the amount recovered from the husband of the petitioner. In the meantime, her husband died. The petitioner has come out with the present writ petition seeking for payment of the amount recovered from her husband.

5.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents 1 to 3 and 6 and the learned counsel appearing for the fifth respondent.

6. From the materials on record, it is seen that the punishment imposed on the petitioner's husband was set aside by the order dated 16.06.2016 in W.P(MD)No.8329 of 2008. When the



order imposing punishment was set aside, it is the duty of the respondent to comply with the said order and pay the amount recovered from the pension of the petitioner's husband. The respondents have not paid the amount in view of the earlier order passed by this Court, dated 16.06.2019.

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7. In view of the above, the writ petition is allowed as prayed for and the respondents are directed to disburse the amount recovered from the pension of the petitioner's husband. No costs.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar (CS)

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To

1.The Secretary to Government,
Environment and Forest Department,
Fort St. George,
Chennai.

2.The Principal Chief Conservator of Forest,
Panagal Maaligai,
No.1 John's Road,
Saidapet,
Chennai.

3.The District Forest Officer,
Thoothukudi.

4.The Sub-Treasury Officer,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-86460[F] dated 13/09/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-86502[F] dated 13/09/2019)

+1 CC to M/s.SPL GP (SR-86912[F] dated 16/09/2019)

W.P. (MD)No.19599 of 2019

12.09.2019

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