



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.10.2019
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD)No.2556 of 2014

and

M.P.(MD)Nos.1 and 2 of 2011

WEB COPY

K.K.Saroja

... Petitioner

vs.

1.The District Elementary Educational Officer,
Sethuraman Colony, Trichy.

2.The Assistant Elementary Educational Officer,
Musiri Taluk, Trichy District.

3.The Regional Development Officer,
Panchayat Union, Panchayat Union Office,
Musiri, Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the third respondent, dated 19.04.2013 and quash the same and to direct the respondents to release the balance of pension and continue to pay the monthly pension payable to the petitioner.

For Petitioner : Mr.A.B.Natarajan
for Mr.V.Singan

For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to quash the proceedings of the third respondent, dated 19.04.2013 and to direct the respondents to release the balance of pension and continue to pay the monthly pension.

2.It is noticed that the order challenged in the present writ petition is not a proceedings of the third respondent, but a legal notice issued by a Ward Member to the Block Development Officer, Panchayat Union, Musiri. In the notice addressed to the Block Development Officer, the Block Development Officer was called upon to take action against the concerned persons, departmentally for unlawful cutting and removal of trees in the School premises by the Teachers. Without even reading the contend and purport of notice,



dated 19.04.2013, the petitioner has filed the present writ petition, as if the notice, dated 19.04.2013 gives a cause of action to the petitioner for filing the above writ petition.

3. With regard to the prayer for mandamus to direct the respondents to disburse the balance of pension and to pay the monthly pension to the petitioner, the petitioner has filed a writ petition earlier in W.P.(MD)No.15686 of 2013 for issuing a direction to issue No Objection Certificate to enable the petitioner to receive pension from the Government. The said writ petition was dismissed by giving liberty to challenge the proceedings of the first respondent herein, dated 11.09.2013 in the manner known law. It was, thereafter, the present writ petition is filed without disclosing the legal injury, that is caused to the petitioner by the impugned notice.

4. Though filing of writ petition is by mistake, the petitioner's grievance that she has not been granted pension on account of pendency of some departmental proceedings cannot be ignored. The petitioner retired and it is stated that the portion of the retirement benefits have been settled. It is noticed that in view of the pendency of departmental proceedings, which may result in recovery of a sum of Rs.50,000/-, which is stated to be the value of trees cut and removed by the Teachers in the School premises, the portion of pension was not granted to the petitioner.

5. The learned Additional Government Pleader relied upon the counter affidavit filed on behalf of the respondents 1 and 2 and submitted that the respondents are entitled to withhold the pension of petitioner till the disposal of the departmental proceedings. He also relied upon the Tamil Nadu Pension Rules 1978, particularly, Rule 9(1)(a), which enables the respondents to withhold the pension permanently or for a specific period during the pendency of any departmental or judicial proceedings, where, the pensioner is found guilty of grave misconduct during the period of her service. However, it is admitted that the departmental proceedings is not yet over. However, the learned Additional Government Pleader is unable to explain the reason for non-conclusion of the departmental proceedings, which is pending for several years.

6. In the said circumstances, the respondents are directed to conclude the departmental proceedings stated to have been taken / initiated against the petitioner in respect of delinquency relating to the cutting and removal of trees from the School premises within a period of six months from the date of receipt of a copy of this order. In case, the respondents are unable to conclude the proceedings within a period of six months and there is no valid reason for protracting the proceedings further, the first respondent is directed to pay the arrears of pension, if any due, within a period of three months thereafter.



7.This Writ Petition is dismissed with the above directions.
No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Elementary Educational Officer,
Senthuraman Colony, Trichy.
- 2.The Assistant Elementary Educational Officer,
Musiri Taluk, Trichy District.
- 3.The Regional Development Officer,
Panchayat Union, Panchayat Union Office,
Musiri, Trichy District.

+1 CC to SPL GP (SR-92512[F] dated 17/10/2019)

W.P. (MD)No.2556 of 2014
15.10.2019

CMR

MK (31.10.2019) 3P 5C