



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.5697 of 2014

and

M.P. (MD) No.1 of 2014

N.R.Vijayarengan

... Petitioner

-Vs-

1.The Principal Secretary to Tamil Nadu Government,
Social Welfare & N.M.P. Department,
Secretariat, Chennai-600 009.

2.The Director of Social Welfare,
Chintatripet, Chennai-600 002.

3.The District Social Welfare Officer,
Tiruchirappalli-620 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent in his proceedings in Se.Mu.Na.Ka.No.A1/7772/2010, dated 03.10.2013 and quash the same as illegal and consequently, direct the respondents to release all pensionary benefits of the petitioner.

For Petitioner : Mr.A.N.Ramanathan

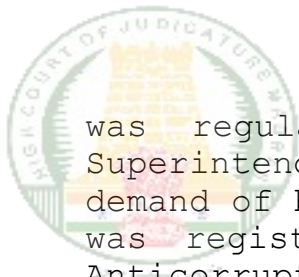
For Respondents : Mr.S.Dhayalan,
Government Advocate.

ORDER

The order impugned dated 03.10.2013, sanctioning provisional pension, is under challenge in the present Writ Petition.

2.The claim of the writ petitioner is that he is entitled for full pension.

3.The facts in nutshell required for the purpose of considering the present Writ Petition are that the writ petitioner was initially appointed in the Revenue Department and subsequently, transferred to Social Welfare Department through Service Commission and appointed on regular basis. The service of the writ petitioner



was regularized and he was promoted to the post of Office Superintendent from 03.09.2003. On account of certain allegation of demand of bribe, the writ petitioner was dropped and a criminal case was registered against him by the Department of Vigilance and Anticorruption under the provisions of Prevention of Corruption Act, 1988. The criminal case registered against the writ petitioner is pending and the learned counsel appearing on behalf of the writ petitioner states that the trial is in progress. The departmental disciplinary proceedings instituted also is pending. Under these circumstances, the writ petitioner cannot seek settlement of full terminal benefits as well as pensionary benefits as applicable under the Tamil Nadu Pension Rules, 1950.

4.The writ petitioner admittedly was placed under suspension and his services are retained under the fundamental rules. Thus, for all purposes, the writ petitioner is continuing in service and the subsistence allowance not exceeding the provisional pension as per the rules was already sanctioned and the writ petitioner is receiving subsistence allowance.

5.This being the factum, the subsistence allowance as applicable to the writ petitioner is to be paid, till the disposal of the departmental disciplinary proceedings as well as the criminal case pending against him. If the writ petitioner is completely, exonerated from the criminal case as well as from the disciplinary proceedings, then alone, he is entitled to get all the pensionary and terminal benefits in accordance with the rules in force. If the writ petitioner is imposed with an order of punishment or convicted, then appropriate orders are to be passed by the competent authorities in accordance with the rules in force.

6.This being the procedures to be followed, now the claim of the writ petitioner for settlement of entire benefits cannot be considered, even the writ petitioner cannot be granted full pension.

7.This being the factum, there is no infirmity in respect of the impugned order passed in the present Writ Petition and the writ petitioner is at liberty to pursue the departmental disciplinary proceedings as well as the criminal case for early disposal.

8.With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Principal Secretary to Tamil Nadu Government,
Social Welfare & N.M.P. Department,
Secretariat, Chennai-600 009.

2.The Director of Social Welfare,
Chintatripet, Chennai-600 002.

3.The District Social Welfare Officer,
Tiruchirappalli-620 001.

+1 CC to M/s.SPL GP (SR-82452[F] dated 20/08/2019)

W.P. (MD)No.5697 of 2014
19.08.2019

Myr

JMN(06.09.2019) 3P : 5C