

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 23.07.2019****CORAM****THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR****W.P. (MD) .No.25074 of 2018****WEB COPY**

N. Murugaiah

... Petitioner

Vs.

1.The District Collector,
Collectroate Complex,
Kokkarikulam,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli,
District Collector Office,
Tirunelveli District.

3. The Special Thasildar (Social Welfare Scheme),
Sankarankoil Taluk Office,
Sankaran Koil,
Tirunelveli District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to sanction the retirement benefits and regular pension during the pendency of the enquiry which has been initiated by the first respondent on 29.03.2016 in file No.A6/11104/2014.

For Petitioner

: Mr.V. Karthikeyan

For Respondents

: Mr. A. Muthukaruppan

Additional Government Pleader

O R D E R

This Writ Petition has been filed for issuing a direction to the respondents to sanction the retirement benefits and regular pension during the pendency of the enquiry, which has been initiated by the first respondent on 29.03.2016 in file No.A6/11104/2014.

2. According to the petitioner, he has been issued with charge memo for the alleged irregularities in issuing patta for Government Promboke Land, based on the proceedings of Zonal Deputy Thasildar, Palayamkottai. The petitioner also submitted his the explanation for the above said charge memo and the Assistant Commissioner (Exise) was appointed as Enquiry Officer. Thereafter, the petitioner was permitted to retire from service on 30.04.2014, on attaining the age of superannuation. But, the respondents have not chosen to pay the retirement benefits to him as per Rule 60(1) (c) of the Tamil Nadu Pension Rules. Hence, the petitioner has sent



a representation dated 20.11.2018, to the first respondent, but, the same has not been considered so far. In such circumstances, the petitioner has come forward with the present Writ Petition before this Court.

3. Though this petition has been filed to give a positive direction to the respondents, the learned counsel appearing for the petitioner submits that the petitioner will be satisfied, if a direction is issued to the first respondent, to consider the representation of the petitioner, dated 20.11.2018.

4. The learned Additional Government Pleader appearing for the respondents would submit that the representation of the petitioner, dated 20.11.2018, will be considered by the first respondent in accordance with Rules.

5. By considering the submissions made by the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the claim of the petitioner, directs the first respondent to consider the representation of the petitioner, dated 20.11.2018, by taking note of 60(1)(c) of the Tamil Nadu Pension Rules and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Collectroate Complex,
Kokkarikulam,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli,
District Collector Office,
Tirunelveli District.



3. The Special Thasildar (Social Welfare Scheme),
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Sankaran Koil,
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+1 CC to Mr.V.KARTHIKEYAN, Advocate (SR-77141[F] dated 24/07/2019)

W.P.(MD).No.25074 of 2018
23.07.2019

TRP

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