

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23376 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in not paying the provisional pensionary benefits as well as GPF to the petitioner pursuant to his retirement on 30.04.2019, as arbitrary, illegal, discriminatory, unconstitutional, violative of Articles 14 and 21 of the Constitution of India and direct the respondents to forthwith release the provisional pensionary benefits as well as GPF to the petitioner pursuant to his retirement on 30.04.2019 by considering the representations made by the petitioner on 09.05.2019 and 31.07.2019.

Heard both sides.

It has been contended by the petitioner that he was working as Town Planning Supervisor and retired from service on attaining the age of superannuation on 30.04.2019. It is contended that though the petitioner has retired from service, he was not paid the provisional pensionary benefits and GPF amounts on the ground that the disciplinary proceedings are pending against the petitioner. Counsel for petitioner contends that the petitioner is entitled for provisional pension in terms of the Pension Rules, but the respondents are not considering the case of the petitioner for grant of provisional pension in accordance with Rules, therefore, he submitted representations to the respondents on 09.05.2019 and 31.07.2019, but the respondents are not considering the said

representations nor granting provisional pension to the petitioner. Therefore, counsel for petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for grant of provisional pension and GPF amount by duly disposing of the representations submitted by the petitioner in accordance with law.

The Government Pleader appearing for respondents has contended that since the representations of the petitioner are pending with the respondents, the respondents would consider the same and pass appropriate orders be passed in accordance with law.

This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for grant of provisional pension and GPF amount in accordance with Rules by duly passing orders on the representations submitted by the petitioner on 09.05.2019 and 31.07.2019, within reasonable period of time, preferably within Eight weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

26th November 2019

ajr