

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 12678 OF 2013

N.Marudhanayagam

.. Petitioner

- Vs -

1. District Collector
Ariyalur District, Ariyalur.

2. Block Development Officer
Senthurai, Ariyalur District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus forbearing the respondents from deducting any amount from the provisional pension/subsistence allowance payable to the petitioner.

For Petitioner : Mr. Ganesan

For Respondents: Mr. S.Thangavel, Spl. GP for R-1
Mr. Kannan for R-2

ORDER

The petitioner was appointed as Junior Assistant through the Tamil Nadu Public Service Commission on 3.7.1968. Thereafter, he was promoted as Assistant and further promoted as Block Development Officer. While working as Block Development Officer, the petitioner, on the verge of retirement, was placed under suspension on 29.11.04 and was not allowed to retire from service by order dated 29.11.04. Charge was framed against the petitioner in pursuance to certain audit objections and enquiry was conducted and report was also submitted. During the period of suspension, the petitioner was paid subsistence allowance. Though enquiry report was submitted, however, no orders have been passed and no show cause notice has also been issued to the petitioner. Thereafter, the petitioner was paid provisional pension in lieu of subsistence allowance. However, from the

subsistence allowance and also the provisional pension, which was being paid to the petitioner, amount towards certain loan was being deducted. Aggrieved by the said deduction, which is impermissible, the present petition has been filed.

2. Learned counsel appearing for the petitioner, while reiterated the grounds raised in petition submitted that no orders have been passed on the disciplinary proceedings and that certain amount is being deducted from the provisional pension payable to the petitioner, which is impermissible.

3. On the above contentions, this Court heard the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4. On the initiation of the writ petition, this Court had granted an order of interim injunction restraining the respondents from deducting any amount from the subsistence allowance/provisional pension being paid to the petitioner. The said order has also been made absolute by this Court. It is trite that no amount towards any loan can be deducted from the subsistence allowance/provisional pension payable to any person, as such amount is paid only for the purpose of the livelihood of the petitioner. If the respondents are really aggrieved, the course open to them is to pass orders on the disciplinary proceedings in accordance with law, whereupon, it would be open to the petitioner to challenge the said order, if it is adverse to the petitioner.

5. In such circumstances, without going into the merits of the issue, this Court permits the respondent to conclude the disciplinary proceedings and communicate the outcome of the same to the petitioner as expeditiously as possible. Thereafter, the petitioner is at liberty to challenge the order passed in the disciplinary proceedings, if the same is adverse to him.

6. This writ petition is allowed with the aforesaid observation and direction. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

GLN

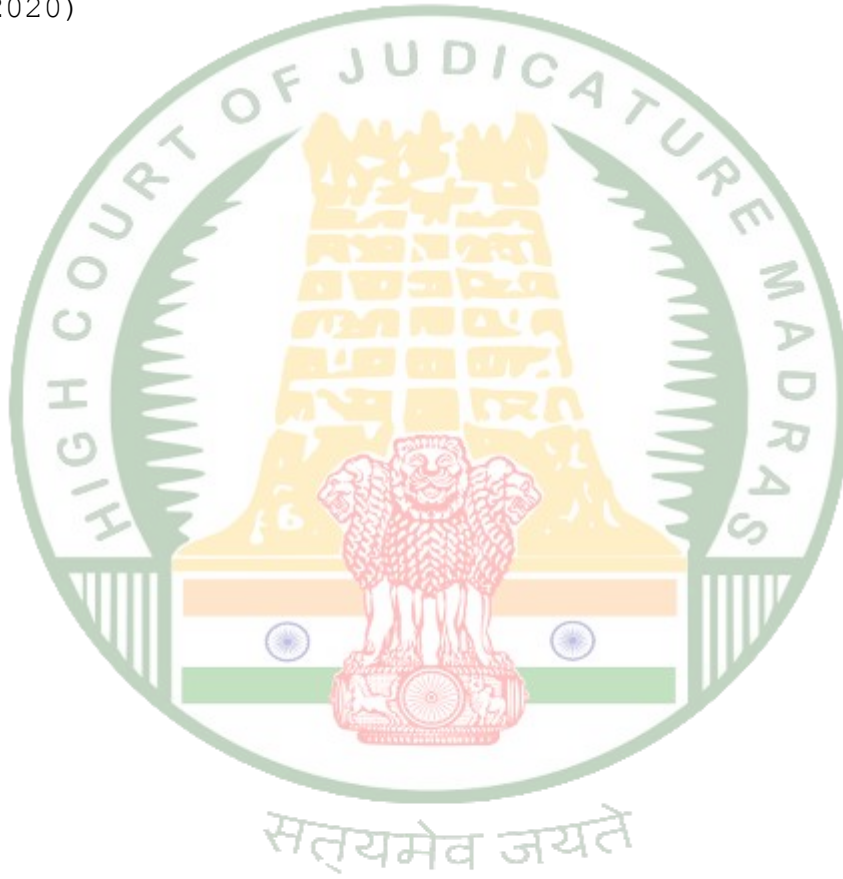
To

1.The District Collector
Ariyalur District, Ariyalur.

2.The Block Development Officer
Senthurai, Ariyalur District.

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GJ(CO)
CB(22/09/2020)



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