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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35013 of 2019

K.Manivannan

... Petitioner

.Vs.

1. The Charman,
Chennai Port Trust,
Rajaji Salai,
Chennai-600 001.
2. The Chief Mechanical Engineer,
Chennai Port Trust, Rajaji Salai,
Chennai 600 001.
3. The Chairman,
State Level Scrutiny Committee-III/
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
3rd Floor, Namakkal Kavignar Maligai,
Secretariat,
Chennai-9.

... Respondents

[R3 Suo-Motu impleaded as per order dt.06.01.2020
made in W.P.No.35013 of 2019 by NAVJ]

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the Provisional Pension from the date of retirement from 29.02.2012 to till date, and continue to pay the provisional pension till the disposal of the pending verification process, within a stipulated time.

For Petitioner : Mr.N.Naganathan

For R 1 & R 2 : Mr.R.Karthikeyan

For R 3 : Mr.P.Sivashanmugasundaram
Special Government Pleader



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O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to pay provisional pension to the petitioner from the date of his retirement.

2. Since the Chairman State Level Scrutiny Committee-III/ Additional Secretary to Government, Adi Dravidar and Tribal Welfare Department, is a necessary party in this writ petition. This Court Suo motu impleades the Chairman State Level Scrutiny Committee-III/Additional Secretary to Government, Adi Dravidar and Tribal Welfare Department, 3rd floor, Namakkal Kavignar Maligai, Secretariat, Chennai-9, as 3rd respondent in this writ petition. Mr.P.Sivashanmugasundaram, learned Special Government Pleader takes notice for the newly impleaded 3rd respondent.

3. The case of the petitioner is that he belongs to a Schedule Tribe Community and he joined the Chennai Post Trust under the said quota in the year 1979. The petitioner was due for retirement on 28.02.2012 and at that point of time, he was informed that his community certificate requires verification and genuineness of the community certificate was questioned and consequently the retirement benefits of the petitioner was withheld. The petitioner challenged the same before this Court by filing W.P.No.12132 of 2014. A Division Bench of this Court considered the entire case in detail and by an order dated 31.03.2015, dismissed the writ petition and directed the petitioner to appear before the State Level Committee and co-operate for the completion of the enquiry at the earliest possible time. This order was passed in the year 2015, until now, the enquiry has not been completed by the State Level Committee.

4. The petitioner in the meantime made one more representation to the respondents to consider and grant him provisional pension since according to the petitioner, some of the other similarly placed persons have been extended such a benefit. This representation did not evoke any response and therefore, the present writ petition has been filed seeking for appropriate directions.

5. Heard Mr.N.Naganathan, learned counsel appearing for the petitioner and Mr.R.Karthikeyan, learned counsel appearing on behalf of the respondents.

6. The petitioner had earlier approached this Court and filed W.P.No.12132 of 2014 and challenged the order of the Chennai Port Trust not granting him the terminal benefits and for a direction to pay his full pension. This writ petition came to be dismissed by an order dated 31.03.2015 and the



petitioner was directed to appear before the State Level Committee and co-operate for the early completion of the enquiry. In spite of this order passed in the year 2015, it is seen that the enquiry before the State Level Committee is still pending and the latest letter that has been given to the petitioner was on 07.11.2019 wherein, the enquiry was fixed on 22.11.2019. It is not known as to who is responsible for such a long delay in the pendency of the enquiry before the State Level Committee. As rightly contended by Mr.R.Karthikeyan, learned counsel appearing on behalf of the respondents, if the petitioner comes out clear in the enquiry, he will be entitled for all the terminal benefits and if any interim directions are given by this Court, the same will virtually water down the earlier orders passed by the Division Bench of this Court in W.P.No.12132 of 2014.

7.In view of the above, there shall be a direction to the Chairman of the State Level Committee-III, to complete the enquiry and pass necessary orders within a period of eight weeks from the date of receipt of copy of this order. It is made clear that the petitioner shall co-operate for the enquiry and shall provide with all the documents called for by the Committee. If the petitioner comes out clear in the enquiry, it goes without saying that the petitioner will be entitled to claim all the terminal benefits. In the meantime, it is also left open to the respondents to consider the representation made by the petitioner seeking for provisional pension.

This writ petition is disposed of with the above directions. There shall be no order as to costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

KP
To

1.The Charman,
Chennai Port Trust,
Rajaji Salai,
Chennai-600 001.

2.The Chief Mechanical Engineer,
Chennai Port Trust, Rajaji Salai,
Chennai 600 001.



3. The Chairman,
State Level Scrutiny Committee-III/
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
3rd Floor, Namakkal Kavignar Maligai,
Secretariat,
Chennai-9.

+1 CC to Mr.N.Naganathan, Advocate sr 1236
+1 CC to Mr.R.Karthikeyan, Advocate sr 909.

W.P.No.35013 of 2019

AD(CO)
SP(10/01/2020)