



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.19355 of 2020

C.Nallaperumal

... Petitioner

Vs.

The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondent to continue to pay the provisional pension and other statutory dues such as enhanced leave and special provident fund to the petitioner by considering the representation of the petitioner dated 05.10.2020.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed to direct the respondent to continue to pay the provisional pension and other statutory dues such as enhanced leave and special provident fund to the petitioner by considering the representation of the petitioner dated 05.10.2020.

3.The learned counsel for the petitioner would submit that the petitioner has given a representation to the respondent on 05.10.2020 requesting him to continue to pay the provisional pension and other statutory dues such as enhanced leave and special provident fund to the petitioner. However, the said representation has not been considered by the respondent. Hence, the petitioner filed the present writ petition for appropriate directions.

4.The learned Additional Government Pleader appearing for the respondent would submit that the petitioner was convicted in a criminal case. Therefore, provisional pension has been withheld.

5.In reply, the learned counsel appearing for the petitioner would submit the sentence has been suspended by this Court on 18.08.2020 in CrI.A.(MD) No.261 of 2020.



6.In view of the above submissions, this Court is of the view that there is no impediment for the respondent to dispose of the petitioner's representation. It is for the respondent to decide as to whether the petitioner is entitled to get the provisional pension or not. Hence, this Court directs the respondent to dispose of the petitioner's representation dated 05.10.2020 within a period of eight weeks on merits and in accordance with law.

7.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

W.P.[MD]No.19355 of 2020
23.12.2020

AC (CO)
KB(08.01.2021) 2P 2C