



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.15248 of 2014

and

M.P.(MD)No.1 of 2014

A.Jansi Rani

... Petitioner

-Vs-

1. The Conservator of Forests,
Madurai Circle, Madurai.

2. The Divisional Forest Officer,
Varushanadu Soil Conservation Division,
Theni.

3. The Superintendent,
Divisional Forest Office,
Varushanadu Soil Conservation Division,
Theni.

4. The Deputy Accountant General (Administration)
Office of the Principal Accountant General (A & E)
361, Anna Salai, Teynampet,
Chennai-18.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in Proc.No.3331/2014/B2, dated 30.05.2014 and quash the same as just one day before petitioner's retirement on 31.05.2014, arbitrary, illegal and against the principles of natural justice and consequently direct the respondents to pay the DCRG and other monetary benefits after petitioner's superannuation on 31.05.2014.

For Petitioner : Mr.M.S.Sureshkumar

For Respondents : Mr.G.Arjunan
Government Advocate (for R1 to R3)

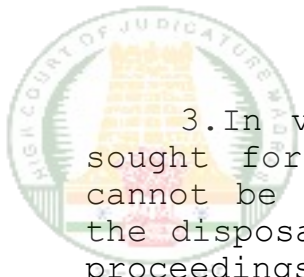
Mr.R.Aravindan (for R4)

**ORDER**

The relief sought for in the present writ petition is to quash the conditional retirement order passed by the first respondent, in proceedings, dated 30.05.2014 and for a direction to settle the terminal and retirement benefits. The petitioner retired as Special Grade Assistant on 31.05.2014. She was permitted to retire from service on reaching the age of superannuation on the afternoon of 31.05.2014 without prejudice to the disciplinary proceedings and Recovery of Government dues pending against her and it is stated that the said proceedings shall be continued under Rule 9 of the Tamil Nadu Pension Rules 1978. The petitioner has not stated that the fact regarding the pendency of criminal case against her.

2.The learned Government Advocate appearing on behalf of the respondents 1 to 3 relying on the counter informed the Court that the criminal case registered against the writ petitioner is pending and therefore, the petitioner is not entitled to receive the pensionary benefits in entirety. However, the petitioner is entitled to receive the provisional pension till the disciplinary proceedings are concluded. If any provisional pension is paid to the writ petitioner, she is at liberty to approach the competent authorities for the purpose of receiving the provisional pension as applicable during the pendency of the disciplinary proceedings. Paragraph No.4 of the counter affidavit provides details with regard to the facts, which reads as under:-

"...4.It is submitted that the petitioner has averred in paragraph 3 of her affidavit that her husband has undergone Angiogram treatment and she obtained Rs.10,000/- from her friend. The burden of proof of the same is upon the petitioner. It is averred by the petitioner in her affidavit submitted that she had been convicted in STC 86 of 2008 on 18.02.2011. The petitioner had stated that Chief Conservator of Forests had acquitted her of all the charges in Che.Mu.Order No.Na2/25862/2011, dated 30.05.2014. It is suppressed by the petitioner here that the criminal case in C.C.No.193 of 2006 on the file of learned Judicial Magistrate No.II, Dindigul is still pending and a notice in this regard from the counsel of the complainant has been addressed to the District Forest Officer, Theni. Similarly, complaints are being received from private individuals that she had received loans from them and are not being re-paid till date. The petitioner has suppressed before this Court these facts including the pendency of criminal case..."



3.In view of the facts and circumstances, the relief as such sought for to settle the entire terminal and pensionary benefits cannot be granted and such a claim is to be considered only after the disposal of the criminal case and the departmental disciplinary proceedings, which is pending against the writ petitioner.

4.Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The Conservator of Forests,
Madurai Circle, Madurai.
2. The Divisional Forest Officer,
Varushanadu Soil Conservation Division,
Theni.
3. The Superintendent,
Divisional Forest Office,
Varushanadu Soil Conservation Division,
Theni.

+1 CC to the SPL GP (SR-21759[F] dated 10/11/2020)

W.P. (MD) .No.15248 of 2014
09.11.2020

ARK(CO)
CS(27.11.2020) 3P 5C