



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 29.09.2021

C O R A M

The Hon'ble Mr. Justice C.SARAVANAN

Writ Petition No.20949 of 2021

(Through Video Conferencing)

M.Bakkiyam ... Petitioner

Vs.

1.The Principal Chief Conservator of Forest,
Head of the Department,
Panagal Building, Siadapet,
Chennai-15.

2.The Principal Accountant General(A & E),
No.361, Anna Salai,
Chennai - 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the Respondents to regularise the period from 01.06.1992 to 18.01.2012 as duty for all purpose and forward the fresh pension proposal for the petitioner to the second Respondent with reference to his Letter No.P21/2/12121448/ADK/37 Dated 15/04/2019 and issue further direction to the second Respondent to authorize pensionary benefits and disburse all arrears of monetary benefits to the Petitioner with limited time frame.

For Petitioner : Mrs.T.Dharani

For Respondents : Mr.L.S.M. Hasan Fizal
Government Advocate for R1

Mr.Vijay Shankar for R-2

O R D E R

The Petitioner was removed from service on 02.03.1993 and was thereafter reinstated on 19.01.2012. This was pursuant to an order passed by the Tamil Nadu Administrative Tribunal in O.A.No.3522 of 1999 on 06.07.2000. Since the order also permitted the Respondents to initiate the fresh proceedings against the Petitioner, a fresh charge memo was issued on 29.05.2012 which culminated in an order imposing penalty of stoppage of increment for three years with cumulative effect.



The Petitioner thereafter preferred an appeal before the Appellate Authority which came to be dismissed on 08.09.2014. The Petitioner has attained the age of superannuation on 31.12.2018 and has retired from service. The pension proposal of the Petitioner was sent to the second Respondent by the first Respondent and the same was returned with certain objections regarding the period of service. The Petitioner has sent a representation to the first Respondent on 10.03.2020.

2. Heard the learned counsel for the Petitioner and the learned counsel appearing for the Respondents and perused the materials available on record.

3. Though the Petitioner has retired from service on 31.12.2018, there is no clarity as to whether the Petitioner is entitled to pension or not as no order was passed on the representation of the Petitioner dated 10.03.2020.

4. Considering the same, the first Respondent is directed to consider the representation of the Petitioner dated 10.03.2020 and send appropriate proposals in response to the queries raised by the second Respondent by their communication dated 15.04.2019 within a period of eight weeks from the date of receipt of copy of this order. In case, the first Respondent gives appropriate clarification for granting pension, the second Respondent is directed to process the pension and pay the arrears to the Petitioner within a period of eight weeks thereafter.

5. This writ petition stands disposed with the above observations. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

rrg

To

1.The Principal Chief Conservator of Forest,
Head of the Department,
Panagal Building, Siadapet,
Chennai-15.

2.The Principal Accountant General (A & E),
No.361, Anna Salai,
Chennai - 600 018.



+lcc to Mrs.T.Dharani, Advocate SR.No.50676

+lcc to Special Government Pleader SR.No.50632

W.P.No.20949 of 2021

GP(CO)
GMY(27/10/2021)