



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.142 of 2021
(Through Video Conference)

A.Thanga Thirupathi

... Petitioner

Vs

1.The State of Tamil Nadu
represented by Secretary to Government,
Highways Department,
Secretariat, Chennai.

2.The Director General,
Highways Department,
Chepauk, Chennai - 600 005.

3.The Chief Engineer (General),
Highways Department,
Chepauk, Chennai - 600 005.

4.The Divisional Engineer,
Highways Department (C&M),
Tenkasi,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order, dated 23.09.2019, vide Se.Mu.Ka.No.02/2019/A2, passed by the 3rd respondent and quash the same and thereby direct the respondents to pay provisional pension and provident fund with interest to the petitioner immediately.

For Petitioner : Mr.B.Rajesh Saravanan
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

Heard Mr.B.Rajesh Saravanan, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader, appearing for the respondents.



2.The petitioner is aggrieved against the non payment of the Provisional Pension and the Provident Fund and hence, the writ petition.

3.The fourth respondent herein has filed a counter affidavit, in which, it is stated in paragraph 7 as reads as follows:

"It is submitted that the Petitioners Provisional Pension has been revised based on 6th and 7th Pay Commission vide Divisional Engineer (H) C&M) Tenkasi proceedings No.02/2020/A2/, dated 04.01.2021 and his provisional pension has been fixed as Rs.39,430/- + Corresponding DA with effect from 01.01.2016 and monitory effect from 01.10.2017. The Provisional Pension at the revised rates has been claimed from November 2020 and action is being taken to claim the arrears with effect from 01.10.2017 and it is assured that the arrears will be paid to the petitioner by the concerned treasury."

Since the fourth respondent herein had already taken a decision to revise the Provisional Pension and pay the arrears to the petitioner, the grievance of the petitioner has been considerably met.

4.In this connection, the petitioner is granted liberty to make a fresh representation in the light of the counter averments made by the fourth respondent herein in the present writ petition. On receipt of such representation, the fourth respondent herein shall comply with the undertaking given in the counter affidavit and disburse the provisional pension to the petitioner.

5.In case, the petitioner is still aggrieved against the disbursement of the pensionary benefits, it is open to him to file a fresh writ petition, challenging the portion of non payment, if any.

6.Accordingly, this writ petition stands disposed of. No costs.

Sd/-

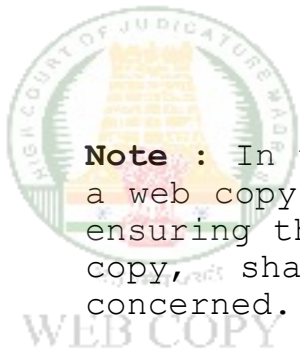
Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM



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:

- 1.The Secretary to Government,
Highways Department,
Secretariat, Chennai.
- 2.The Director General,
Highways Department,
Chepauk, Chennai - 600 005.
- 3.The Chief Engineer (General),
Highways Department,
Chepauk, Chennai - 600 005.
- 4.The Divisional Engineer,
Highways Department (C&M),
Tenkasi,
Tenkasi District.

+1 CC to Mr.B.RAJESH SARAVANAN, Advocate (SR-7791[F] dated 01/03/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-8178[F] dated 02/03/2021)

Order made in
W.P. (MD) No.142 of 2021
26.02.2021

MA (CO)
SRS (18/03/2021) 3P : 7C