



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.8054 of 2021

R.Deiveegarajan

... Petitioner

-Vs-

1.The District Revenue Officer,
Tiruchirapalli District,
Tiruchirapalli.

2.The Revenue Divisional Officer,
Srirangam Division,
Srirangam,
Tiruchirapalli District.

3.The Tahsildar,
Srirangam Taluk,
Srirangam,
Tiruchirapalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent i.e., the District Revenue Officer, Tiruchirapalli to sanction the petitioner's DCRG within a specified time frame as per the second Proviso to Rule 60(1)(c) of Tamil Nadu Pension Rules, 1978, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.C.Ramesh

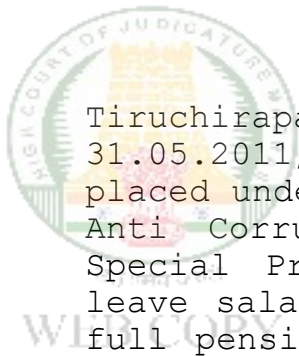
Special Government Pleader

ORDER

This Writ Petition is filed to direct the first respondent i.e., the District Revenue Officer, Tiruchirapalli to sanction the petitioner's DCRG within a specified time frame as per the second Proviso to Rule 60(1)(c) of Tamil Nadu Pension Rules, 1978, within a specified time frame that may be fixed by this Court.

2.Mr.C.Ramesh, learned Special Government Pleader takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he was serving as Village Administrative Officer, Paganur Village, Srirangam Taluk,



Tiruchirapalli District. His date of superannuation was on 31.05.2011, but he was not allowed to retire from service and was placed under suspension because of the pendency of the Vigilance and Anti Corruption case. He has received General Provident Fund, Special Provident Fund, Encashment of Leave Salary and unearned leave salary. He admitted that he is not entitled to sanction of full pension and Commutation of pension. He is only entitled for DCRG as per second Proviso to Rule 60(1)(c) of the Tamil Nadu Pension Rules, 1978. In this regard, the petitioner gave representation on 09.01.2021 to the respondents. The said representation was not considered and no order was passed. Hence, the petitioner has come out with the present writ petition.

4. From the above materials, it is seen that the criminal case has been registered for demanding and accepting bribe. There is no allegation that the petitioner caused any financial loss to the respondents. The relevant provision to be considered in this case is Second Proviso to Rule 60(1)(c) of the Tamil Nadu Pension Rules, 1978 and the same is reads as follows:-

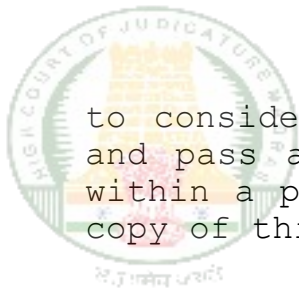
"60(1)(c):- No gratuity shall be authorised to the Government servant until the conclusion of such proceedings and issue of final orders thereon:

[Provided that no such gratuity, shall be withheld in respect of a Government servant, who has been permitted to retire without prejudice to the departmental or judicial proceedings pending against him, where such departmental or judicial proceedings are only for administrative lapses not involving any pecuniary loss to the Government]

[Provided further that where a Government servant against whom a departmental or judicial proceedings involving pecuniary loss to Government is pending, is permitted to retire without prejudice to such departmental or judicial proceedings, a portion of gratuity may be authorized, after deducting the maximum computed financial loss to the Government for which the Government servant is held liable, along with unrecovered Government dues if any, of such Government servant with interest. "

5. As per Second Proviso to Rule 60(1)(c) of the Tamil Nadu Pension Rules, 1978, if a Government servant caused any financial loss, the amount of financial loss has to be deducted from the gratuity payable to the Government servant and the balance amount has to be paid to him. In the present case, as there is no charges against the petitioner that he has caused financial loss.

6. Considering the submission of the learned counsel for the petitioner, without deciding the issue on merits, in the writ petition, the writ petition is disposed of directing the respondents



to consider the representation of the petitioner, dated 09.01.2021 and pass appropriate orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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 District Revenue Officer,
Tiruchirapalli District,
Tiruchirapalli.
2. The Revenue Divisional Officer,
Srirangam Division,
Srirangam,
Tiruchirapalli District.
3. The Tahsildar,
Srirangam Taluk,
Srirangam,
Tiruchirapalli District.

+1CC to Mr.S.Visvalingam, Advocate in SR.16358
+1cc to Spl.Govt.Pleader Sr.16753

W.P. (MD) No.8054 of 2021
19.04.2021

JA(05.05.2021) 3P 6C