



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

W.P. (MD) No.9055 of 2021

R.Thulasiram

... Petitioner

vs.

1. The Accountant General,
361, Anna Salai,
Teynampet,
Chennai - 600 018.

2. The Revenue Divisional Officer,
Aruppokottai Division,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent i.e., the Accountant General, Chennai to sanction the pension of the petitioner as per the proposals sent by the Revenue Divisional Officer, Aruppukottai in his Roc.A1/1295/2016 dated 28.01.2020 within a specified time frame that may be fixed by this Court and the Revenue Divisional Officer, Aruppukottai may be directed to continue to pay the provisional pension till regular pension is sanctioned.

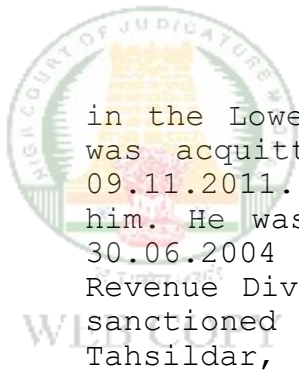
For Petitioner
For Respondents

: Mr.S.Vishvalingam
: Mrs.Mahalakshmi
For R1.
Mr.P.Thilakkumar,
Standing Counsel,
For R2.

ORDER

This writ petition has been filed seeking a direction to the first respondent i.e., the Accountant General, Chennai to sanction the pension of the petitioner as per the proposals sent by the Revenue Divisional Officer, Aruppukottai in his Roc.A1/1295/2016 dated 28.01.2020 within a specified time frame that may be fixed by this Court and the Revenue Divisional Officer, Aruppukottai may be directed to continue to pay the provisional pension till regular pension is sanctioned.

2. The case of the petitioner is that he was lastly serving as Village Administrative Officer at Vakkanankundu Village, Kariapatti Taluk, Virudhunagar District. His date of superannuation was on 30.06.2004. He was not allowed to retire and was placed under suspension, since a vigilance case was pending against him. Though he was convicted



in the Lower Court, this Court set aside the order of conviction and he was acquitted from all the charges in CrI.A(MD).No.77 of 2007 dated 09.11.2011. The fine amount paid by the petitioner was also refunded to him. He was also allowed to retire on his date of superannuation i.e., 30.06.2004 as per proceedings No.A1/1738/2012 dated 26.06.2015 of the Revenue Divisional Officer, Aruppukottai and provisional pension was also sanctioned in the proceedings No.A7/1155/2012 dated 15.11.2019 of the Tahsildar, Kariapatti. Subsequently, the Revenue Divisional Officer, Arupukottai has also sent pension proposals to the Accountant General, Chennai in his Roc.A1/1295/2016 dated 28.01.2020 as per the orders issued in W.P(MD).No.20869 of 2018 dated 04.10.2018. But the Accountant General, Chennai has not yet sanctioned the pension. Further the Revenue Divisional Officer, Aruppukottai who sanctioned the provisional pension in his proceedings dated 26.12.2019 has abruptly stopped it from July, 2020. Hence this writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. The learned counsel for the first respondent would state that the 1st respondent has not received the service register of the petitioner from the second respondent.

5. The learned counsel for the second respondent would state that the service register would be send within a week, if not sent.

6. In view of the above, the second respondent is directed to send the service register within a week, if not sent and the first respondent is directed to take a decision on the pension proposal and pass final order within a period of three weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

Note: (i) 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 Accountant General,
361, Anna Salai,
Teynampet,
Chennai - 600 018.

2. The Revenue Divisional Officer,
Aruppokottai Division,
Virudhunagar District.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-18850
[F] dated 07/06/2021)

+1 CC to M/s.SPL GP (SR-19051[F] dated
08/06/2021)

W.P. (MD) No.9055 of 2021
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AS (07.07.2021) 3P 5C