



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.19467 of 2021

S.Sekar

... Petitioner

Vs

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

2.The Accountant General (A & E),
Pension,
No.391, Anna Salai,
Chennai.

3.The Superintendent of Police,
Thanjavur District,
Thanjavur

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus by directing the third respondent to send the petitioner's pension passbook from the Treasury, Thanjavur to the Treasury, Thiruvaiyaru and Consequently, direct the respondents to pay the petitioner monthly pension and the arrears along with the interest from the date of his retirement, ie., 01.11.2019 with in a stipulated period as fixed by this Court.

For Petitioner : Mr.S.Balaji,

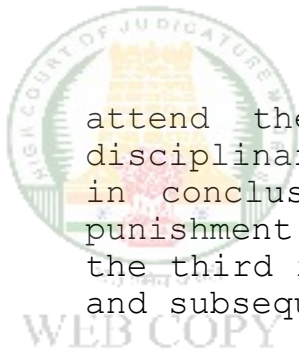
For Respondent : Mr.V.Nirmal Kumar,
Nos.1 & 3 Government Advocate

For Respondent : Ms.S.Mahalakshmi
No.2

ORDER

This writ petition has been filed seeking for a direction to the third respondent to send the pension passbook to the Treasury Officer, Thiruvaiyaru and for a consequential direction to pay the monthly pension and arrears.

2.The learned Counsel appearing for the petitioner submitted the petitioner joined duty as Police Constable in the year 1998 and subsequently was promoted as Head Constable and was working in Armed Reserve, Thanjavur. While so, due to his illness he did not attend the office from 22.12.2017. Therefore, disciplinary proceedings were initiated and he was imposed with a punishment of postponement of increment for three years. Even thereafter, the petitioner could not



attend the duty due to his ill health and therefore, again disciplinary proceedings were initiated against the petitioner and in conclusion of the same, the petitioner was imposed with the punishment of compulsory retirement from service vide proceedings of the third respondent in Na.Ka.No.K1/Tha.Pa.82/2019, dated 01.11.2019 and subsequently removed from service.

3.The learned Counsel further submits that though the petitioner was removed from service on compulsory retirement on 01.01.2019 and the terminal benefits were sanctioned on 23.06.2020, the petitioner has not been granted pension and therefore, the petitioner has sent a representation dated 27.09.2021. However, till date he has not been provided with pension. Therefore, the petitioner is before this Court.

4.The learned Counsel appearing for the second respondent submitted that the pension proposal of the petitioner has already been processed and except commutation, all other benefits have already been sanctioned by order dated 11.08.2020. However, the petitioner has made a request for payment of commutation after a period of one year. Since the request is made after one year, as per Rule 7 of the Tamil Nadu Commutation of Pension Rules, 1942, the petitioner has to produce medical certificate by subjecting himself for medical examination before the medical board. Once such a certificate is produced, the petitioner will be provided with the commutation on revalidation proceedings.

5.This Court paid its anxious consideration to the rival submission and perused the materials placed on record.

6.It is admitted that the petitioner was appointed in the Police Department in the year 1998 as Police Constable and subsequently was promoted as Head Constable. While he was working as Head Constable in Armed Reserve, Thanjavur, due to his sickness and the medical treatment he underwent, he was unable to attend the duty and therefore, disciplinary proceedings were initiated and in conclusion of the same, he was imposed with a punishment of compulsory retirement on 01.11.2019.

7.The grievance of the petitioner is that though he retired from service on 01.11.2019, the terminal benefits were not paid to him fully. It is seen that as per 7 of the Tamil Nadu Commutation of Pension Rules, 1942, the petitioner has to produce medical certificate from the medical board for grant of commutation.

8.Under such circumstances, the third respondent is directed to refer the petitioner to the Medical Board within a period of two weeks from the date of receipt of a copy of this order and shall send a fresh proposal to the second respondent within a period of six weeks from the date of receipt of a report from the medical board. The terminal benefits are not paid by then as per the earlier



proceedings dated 11.08.2020, the second respondent shall pass revalidate proceedings and disburse the benefits to the petitioner within a period of four weeks therefrom.

9.The writ petition is disposed of on the above terms. No costs.

WEB COPY

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

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 Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.
- 2.The Accountant General (A & E),
Pension,
No.391, Anna Salai,
Chennai.
- 3.The Superintendent of Police,
Thanjavur District,
Thanjavur.

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RK(06/12/2021) 3P 4C