



WEB COPY



W.P. No. 15978 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No. 15978 of 2022

and

W.M.P.Nos. 15297 & 15298 of 2022

G. Chellammal

...Petitioner

Vs.

1. The Agricultural Production Commissioner
and Principal Secretary to Government,
Agricultural (AA7) Department,
Secretariat,
Chennai – 600 009.

2. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C. Nagar,
Park Town,
Chennai – 600 003.

3. The Director of Agriculture,
Chepauk,
Chennai – 600 005.

4. The Joint Director of Agriculture,
Dharmapuri – 636 705.

...Respondents



W.P. No. 15978 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the respondents to settle all the legally eligible benefits and consequential reliefs of the petitioner's deceased husband with interest.

For Petitioner : M. Soundararajan
For Respondents : Mr. T. Arunkumar
Additional Government Pleader
for R1, R3 and R4
Mr. V. Varithiyalingam,
Standing Counsel for TNPSC for R2

ORDER

This writ petition is filed for the issuance of a writ of Mandamus, directing the respondents to settle all the legally eligible benefits and consequential reliefs of the petitioner deceased husband with interest.

2. According to the petitioner, when her husband was working at GINGEE, disciplinary proceedings were initiated against her husband, pursuant to charge memo dated 26.03.1985. As per G.O.(3D) No. 117 Agriculture (AA2) Department dated 29.06.2001, he was allowed to retire on 30.06.2001 without prejudice to the pendency of the aforesaid charge memo. At the time of retirement, he was working as Assistant Director (NWDPRA). Thereafter, the aforesaid charges were dropped. After the retirement, the respondent has again initiated disciplinary proceedings under Rule 17(b) of Tamil Nadu Civil Service



W.P. No. 15978 of 2022

(Discipline and Appeal) Rules and charge memo was issued, instead of issuing under Rule 9(2) of Tamilnadu Pension Rules, 1978. According to the petitioner, after the retirement, charges can be framed only under Rule 9(2) of Tamilnadu Pension Rules, 1978. Thereafter, the petitioner's husband submitted his explanation to the aforesaid charge memo, after attending the enquiry. The first respondent informed her husband by letter dated 09.12.2016 that the charges framed against him were proved and the Government has decided to recover a sum of Rs.8,88,268/- from her husband for the loss incurred by the Government. Thereafter, the petitioner's husband filed review petition to the first respondent against the final order passed by the first respondent on 06.12.2018. Since no orders were passed by the first respondent in the review petition, the petitioner's husband had filed W.P.No. 1747 of 2020 before this Court to direct the respondents to pass an order on the review petition. This Court passed an order directing the her husband to file fresh representation to the first respondent along with copy of the review petition. Accordingly, the petitioner's husband sent a fresh representation to the first respondent but the respondent settled only the provisional pension. Thereafter petitioner's husband died pending the review petition as well as disciplinary proceedings. Therefore, petitioner has made a representation dated 02.03.2022 to the respondents to settle the terminal benefits to her. The said representation is still pending and



W.P. No. 15978 of 2022

no orders have been passed. Hence, the petitioner has filed the present writ petition before this Court.

3. Considering the limited scope of the prayer, this Court is inclined to direct the fourth respondent to consider the petitioner's representation dated 02.03.2022 and pass orders on merits and in accordance with law as expeditiously as possible within a period of 12 weeks from the date of receipt of a copy of this order.

4. With the above directions, the writ petitions stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed

27.06.2022

Index : Yes / No
Internet : Yes/ No
mrn



W.P. No. 15978 of 2022

To

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D.KRISHNAKUMAR, J.

(mrn)

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