



WEB COPY



Order dated : 07.07.2022
Writ Petition No.18072 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.18072 of 2014

U.Balasubramaniam

... Petitioner

Vs.

The Chief Executive Officer,
Tamil Nadu Khadi and Village
Industries Board,
Kuralagam, Chennai - 600 108.
Respondent

...

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent in proceeding Na.Ka.No.16966/O.1/2007 dated 14.03.2013 and quash the same and consequently, direct the respondent to pay all the retiral benefits due to the petitioner from 01.10.1995 with interest within a stipulated time limit.

For Petitioner : Ms.Malarvizhi Udayakumar

For Respondent : Mr.S.K.Bose



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ORDER

The order of rejection dated 14.03.2013 rejecting the claim of the petitioner for settlement of terminal and pensionary benefits due to the petitioner is under challenge in the present petition.

2. The petitioner joined in the respondent Board on 18.03.1960 and he was posted as Assistant Director, Khadi, Dharapuram, on 18.04.1993. The suspension order was issued on 24.09.1995 and the petitioner was due to retire from service on 30.09.1995. On initiation of disciplinary proceedings, the petitioner filed W.P.Nos.21521 and 21522 of 2001 challenging the charge memo and the order of suspension. The said writ petition was allowed and thereafter, the petitioner was allowed to retire from service without prejudice to the criminal case.

3. Learned counsel appearing on behalf of the petitioner made a submission that the criminal case is admittedly pending and the provisional pension due to the petitioner has not been fully paid.

4. Learned counsel appearing on behalf of the respondent objected the



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said contention by stating that the provisional pension as applicable under the Rules is being paid to the petitioner and the petitioner is receiving the same. However, the petitioner would be entitled to get full terminal and pensionary benefits only after disposal of the criminal case, which is admittedly pending.

5. During the pendency of the criminal case, the petitioner would be eligible to get the subsistence allowance not exceeding the provisional pending as the case may be, in accordance with the rules in force. If at all, any due in respect of provisional pension, the same is to be settled without causing any undue delay. As far as grant of terminal and pensionary benefits is concerned, it is to be considered subject to the outcome of the criminal case, which is now pending.

With the above observation, this Writ Petition is disposed of. No costs.

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Index : Yes
Speaking order
gm

S.M.SUBRAMANIAM., J



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gm

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