



WEB COPY



W.P.No.3290 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.3290 of 2020

P.Stanley Paulraj

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by its,
Secretary to Government,
Public Works Department,
Secretariat,
Chennai - 600 009.

2.The Engineer-in-Chief (WRO) and
Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking Writ of Mandamus directing the respondents to consider the claims of the petitioner and pay regular pension, DCRG and Commutation by withholding the loss amount of Rs.74,382/- and grant interest for the said due amount.

For Petitioner : Mr.K.Arumugam

For Respondents : Mr.G.Nanmaran
Special Government Pleader



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ORDER

This writ petition has been filed seeking to issue a writ of mandamus directing the respondents to consider the claims of the petitioner and pay regular pension, DCRG and Commutation by withholding the loss amount of Rs.74,382/- and grant interest for the said due amount in the interest of justice.

2. A counter affidavit has been filed on behalf of the respondents.

3. During the course of hearing, learned Special Government Pleader appearing for the respondents has drawn the attention of this Court to the averments made at paragraph 17 of the counter affidavit which is extracted herein under:

"Regarding the averments made in the ground (a) of the affidavit, it is submitted that the petitioner was allowed to retire from service on 31.07.2013 without prejudice to the disciplinary proceedings pending against the petitioner. Further, the Special Provident Fund, General Provident Fund and leave salary has been paid to the petitioner as mentioned by him herein and he is receiving provisional pension, not regular



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pension as disciplinary proceedings is still pending against him."

4. Learned Special Government Pleader would submit that all other amounts for which the petitioner is entitled, are already paid and after completion of disciplinary proceedings, the question of sanctioning the regular pension will arise.

5. Learned counsel for the petitioner would submit that it is an admitted fact that the petitioner received all other amounts for which he is legally entitled as stated in the counter affidavits of the respondents. But the learned counsel for the petitioner submits that subsequent to the filing of this counter affidavit, the enquiry initiated against the petitioner is concluded and the charges framed against the petitioner are set aside by this Court by its order dated 24.11.2021 in W.P.No.34089 & 34090 of 2022 and he placed a copy of the orders in the said writ petition before this Court.

6. This Court have gone through the said orders. It is true that the charges levelled against the petitioner are quashed by this Court.



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7. Under these factual position, as the charges framed against the petitioner are quashed by this Court and no appeal has been filed against the said orders and those orders have become final, in our considered view, the petitioner is entitled for regular pension.

8. Accordingly, this writ petition is **disposed of** with a direction to the respondents to consider the claim of the petitioner for payment of regular pension within a period of four weeks from the date of receipt of a copy of this Order.

9. There shall be no order as to costs.

10. Consequently, connected miscellaneous petition is closed, if any.

19.06.2023

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Note: Issue order copy within three days from today.

Index :Yes/No

Neutral Citation: Yes/No



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To

- 1.The Secretary to Government,
Public Works Department,
Secretariat,
Chennai - 600 009.
- 2.The Engineer-in-Chief (WRO) and
Chief Engineer (General),
Public Works Department,
Chepauk,
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BATTU DEVANAND, J.

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