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W.P.No.26118 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04..07..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.26118 of 2022

P.Vishwanathan

..... Petitioner

-Versus-

- 1.The Principal Secretary to Government,  
Highways and Minor Ports (HL-I) Department,  
Secretariat, Fort St. George, Chennai 600009.
- 2.The Superintending Engineer (National Highways),  
Highways Department, Chennai 600 106.
- 3.The Divisional Engineer (National Highways),  
National Highways Planning, Vellore.
- 4.The Treasury Officer,  
District Treasury Office, Vellore.

[4<sup>th</sup> respondent impleaded as per order of this court dated  
09.01.2023 in W.M.P.No.438 of 2023 in W.P.No.26118 of 2022]

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus direct the 1<sup>st</sup> respondent herein to accord sanction of payment of pension and other monetary benefits due to the petitioner till date without further delay as the petitioner is aged 87 years old and to make payment within the stipulated time to be fixed by this court.

*For Petitioner* : *Mrs.Malarvizhi Udayakumar*

*For Respondents* : *Mr.P.Baladhandayutham,*  
*Spl. Governmnet Pleader*  
*for RR1 to 3*  
*Mrs.Hema Muralikrishnan for R4*



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## **ORDER**

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This writ petition has been filed seeking a writ in the nature of mandamus, directing the 1<sup>st</sup> respondent to accord sanction of payment of pension and other monetary benefits payable and due to the petitioner till date within the stipulated time to be fixed by this court.

2. The case of the petitioner is that he joined the services of the Highways Department as Junior Engineer on 13.12.1960 and reached upto the level of Divisional Engineer on 30.06.1993. He was due to retire from service on 30.06.1993 but, to his shock, he was placed under suspension and was not permitted to retire on 30.06.1993. However, pension proposal was sanctioned in letter dated 23.03.1993 and he was sanctioned subsistence allowance. Subsequently, a request was made to revise the pension of the petitioner as per the recommendation of the Sixth Pay Commission on 07.08.2009. While so, the order of suspension was revoked on 22.01.2015 and the petitioner was allowed to retire from service on 30.06.1993 and the disciplinary proceedings pending against him were to be continued under Rule 9 of the Tamil Nadu Pension Rules, 1978. The grievance of the petitioner is that despite repeated representations, his provisional pension has not been revised till date.

3. Heard both sides.



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4. No doubt, pending disciplinary proceedings the petitioner was placed under suspension and he was not permitted to retire on 30.06.1993, however, on 22.01.2015, the order of suspension came to be revoked and the petitioner was allowed to retire from service w.e.f. 30.06.1993. It is also not in dispute that the petitioner was paid subsistence allowance and provisional pension. The grievance of the petitioner is that despite his repeated requests, no amount has been paid from January, 2015 to till date.

5. The disciplinary proceedings which was initiated almost 20 years before has not seen any result till date and it has been kept pending without any progress from 1993. The delay in the criminal proceedings, in fact, results in serious prejudice to the petitioner. No doubt, a disciplinary proceeding could be initiated against a person who had committed serious misconduct. But at the same time, such proceeding should be concluded at a reasonable time. There should not be any unnecessary delay. In this case, more than 20 years have elapsed since the date of initiation of disciplinary proceedings and a criminal prosecution has also been initiated against the petitioner.

6. Though it was stated in the counter affidavit that there has been a criminal case still pending, it is submitted by the learned Special Government Pleader that already a proposal has been sent for sanction of provisional



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pension. Having taken note of the fact that the petitioner is an octogenarian, this court, by order dated 15.06.2023, directed the respondents to speed up consideration of the proposal and pass final orders on or before 30.06.2023.

7. Today also, the learned Special Government Pleader brought to the notice of this court a letter of the Chief Engineer, National Highways, Guindy, Chennai, dated 26.06.2023, whereunder a request was made to the 1<sup>st</sup> respondent to obtain sanction from the Government for the disbursement of terminal benefits to the tune of Rs.46,28,038/-.

8. In the light of the above facts and circumstances of the case and the submission of the learned Special Government Pleader that steps have already been taken for the disbursement of the terminal benefits, 1<sup>st</sup> respondent is directed to pass appropriate orders sanctioning the revised provisional pension within a period of one month from the date of receipt of a copy of this order.

In the result, the Writ Petition is disposed of accordingly with the above directions. No costs.

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Index : yes / no  
Neutral Citation : yes / no  
Speaking / Non Speaking Order  
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N.SATHISH KUMAR.J.,

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