



W.P.(MD)No.1131 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1131 of 2023

V.Dhasaratharajan

: Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home (SC) Department,
Secretariat,
Chennai - 600 009.

2.The Superintendent of Police
Ramanathapuram District,
Collectorate Complex,
Ramanathapuram.

: Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus to direct the first respondent i.e.
the Additional Chief Secretary to Government, Home (SC) Department,
Chennai to fix the petitioner's pension and Death Cum Retirement Gratuity



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as per Rule 39 of the Tamil Nadu Pension Rules, 1978 as stated in G.O.(2D).No. 68 Home (SC) Department, dated 28.02.2022 and arrange to send pension proposals to the Accountant General, Chennai.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader

ORDER

This writ petition has been filed to direct the first respondent i.e., the Additional Chief Secretary to Government, Home (SC) Department, Chennai to fix the petitioner's pension and Death Cum Retirement Gratuity as per Rule 39 of the Tamil Nadu Pension Rules, 1978 as stated in G.O.(2D).No.68 Home (SC) Department, dated 28.02.2022 and arrange to send pension proposals to the Accountant General, Chennai.

2. The learned counsel appearing for the petitioner submitted that the petitioner served as Inspector of Police under the control of DIG of



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Police, Ramanathapuram and he was superannuated on 30.06.2009.

However, he was not allowed to retire and by invoking Rule 56(1)(c) Fundamental Rules, they passed the suspension order on 29.06.2009 and in view of the DVAC case pending against the petitioner. Whiles, pending trial, the disciplinary authority initiated departmental enquiry by issuing a charge memo on 22.04.2011 and after getting the report of the Enquiry Officer, final orders were passed by imposing a punishment of compulsory retirement from service and the same was confirmed in G.O.(2D) No.68 Home (SC) Department, dated 28.02.2022 and in paragraph No.5, the authority by invoking power under Rule 39 of the Tamil Nadu Pension Rules, 1978, stated that fixing of the pension and retirement benefits will be issued separately. However, the same was not implemented. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel for the petitioner further submitted that this Court may issue a direction to the first respondent to implement paragraph No.5 of the G.O.(2D) No.68 Home (SC) Department, dated 28.02.2022 within the time limit.



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4. Considering the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to fix and disburse the petitioner's pension and Death cum Retirement Gratuity, as per Rule 39 of the Tamil Nadu Pension Rules, 1978, as stated in the G.O.(2D) No.68 Home (SC) Department, dated 28.02.2022, if there is no legal impediment to do so, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

23.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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M.DHANDAPANI, J.

RM

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