



W.P(MD)No.19624 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19624 of 2022

and W.M.P(MD)Nos.14335, 14336, 14338 and 19685 of 2022

and Cont.P(MD)No.2543 of 2023

In W.P(MD)No.19624 of 2022:

B.Thirumoorthy

... Petitioner

Vs.

1. The Director General of Highways,
Cheupak, Chennai – 600 005.

2.The Superintending Engineer,
National Highways (Circle),
No.5, Ring Road,
Chinnachokkikulam,
Madurai 625 002.

3.The Commissioner of Treasuries and Accounts,
No.571, Annasalai,
Nandanam, Chennai 600 035.

4.The Pay and Accounts Officer,
Office of the Pay and Accounts,
South Veli Street,
Madurai,
Madurai District 625 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India, to issue a writ in the nature of writ of



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Certiorarified Mandamus calling for the records pertaining to the impugned proceedings issued by the 2nd respondent in Ku.No. 1301/AA1/The.ne dated 18.07.2022 and quash the same and consequently directing the respondents to disburse the provisional monthly pension to the petitioner without insisting for submission of the Non employment certificate every month.

For Petitioner : Mr.P.Mahendran

For Respondents : Mr.T.Villavan Kothai

Additional Government Pleader

In Cont.P(MD)No.2543 of 2023:

B.Thirumoorthy ... Petitioner/Petitioner/Petitioner
Vs.

1. Mrs.N.Shanthi,
The Director General of Highways,
Cheupak, Chennai – 600 005.

2.Mr.R.K.Ramesh,
The Superintending Engineer,
National Highways (Circle),
No.5, Ring Road,
Chinnachokkikulam,
Madurai 625 002.

3.Mr.K.Vijayendra Pnadian,IAS,
The Commissioner of Treasuries and Accounts,
No.571, Annasalai,
Nandanam, Chennai – 600 035

4.Mr.S.R.Muralitharan,
The Pay and Accounts Officer,
Office of the Pay and Accounts,
South Veli Street,



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Madurai, Madurai District – 625 001

..Contemnors/

1 to 4 Respondents/

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PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Court Act, 1971 to punish the contemnors 1 to 4/respondents 1 to 4 for their willful disobedience of the order passed by this Court in W.M.P(MD)No.14338 of 2022 in W.P(MD)No.19624 of 2022 pending on the file of this Court.

For Petitioner : Mr.P.Mahendran

For Respondents : Mr.T.Villavan Kothai

Additional Government Pleader

COMMON ORDER

The present Writ Petition has been filed by a Special Grade Junior Engineer of the Highways Department seeking to quash the order dated 18.07.2022 wherein he was directed to furnish non-employment certificate for every month for the purpose of releasing the provisional pension.

2. The petitioner, while he was in service, had faced several charges. On 14.05.2004, a charge memo was issued to him



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which culminated in the punishment of recovery of Rs.8042/- from DCRG and another sum of Rs.500/- per month for 12 months (Rs.6000/-) by way of an order dated 31.08.2021. The petitioner had filed a Writ Petition in W.P(MD)No.8516 of 2023 challenging the order of recovery dated 13.04.2022. This Court was pleased to grant an order of interim stay on 13.04.2023 and the same is pending. The petitioner was imposed with punishment for a different charge on 09.04.2018 seeking to recover a sum of Rs.2400/- from the pensionary benefits and a sum of Rs.50,000/-.

3. As on today, a total sum of Rs.66,442/- is due from the writ petitioner to the Government by way of recovery and penalty proceedings. In view of the non payment of the said amounts, pension proposals of the petitioner has not been forwarded by the Department. Terminal benefits have also been withheld.

4. The learned counsel appearing for the petitioner, on instructions, submits that the said amount of Rs.66,442/- may be



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retained by the Department and the balance amount shall be disbursed to the petitioner. The petitioner would recover the said amount of Rs..66,442/- on being successful in the Writ Petition. The learned counsel for the petitioner submits that the petitioner intends to challenge the order dated 09.04.2018 which was confirmed by an order dated 18.11.2023.

5. In view of the above sated facts, this Court is inclined to issue the following directions:

- i) The writ petitioner is directed to approach the second respondent office for filling up the forms for forwarding the pension proposals within a period of two weeks from the date of receipt of a copy of this order.
- ii) The second respondent is directed to forward the pension proposals for regular pension to the concerned authorities within a period of two weeks thereafter.
- iii) The entire terminal benefits except a sum of Rs.66,442/- shall be disbursed by the respondent authorities within a



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period of twelve weeks from the date of receipt of receipt of a copy of this order.

iv) The petitioner shall approach the authorities for refund of the sum of Rs.66,442/- in case he succeeds in the litigation.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are allowed. In view of the order passed in the Writ Petition, the Contempt Petition stands closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR, J.

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