



W.P.No.15663 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.15663 of 2021
and
WMP.No.17063 of 2024

B.Subramani

... Petitioner

Vs.

1. The Registrar General,
Chennai High Court,
Chennai - 600 104.
2. The II Additional District and
Sessions Judge,
Ranipet, Ranipet District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, by issuing suitable directions directing the respondents herein, to release the petitioner's pensionary benefits with interest by considering the petitioner's representation dated 07.04.2024, submitted before the 1st respondent herein.



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For Petitioner : Mr.R.S.Anandan

For Respondents : Mrs.P.Selvi

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ of mandamus has been instituted to direct the respondents to release the pensionary benefits of the petitioner with interest by considering the representation dated 07.04.2024.

2. The writ petitioner joined the service as Typist on 05.03.2001. He was promoted to the post of Assistant and further promoted to the post of Head Clerk (Magistrate Court Level) in the year 2012. Thereafter, the petitioner was promoted as Bench Clerk Grade-II in the year 2013 and Head Clerk (Sub-Court) level in the year 2015. The petitioner reached the age of superannuation on 31.03.2023 and permitted to retire from service without prejudice to the disciplinary proceedings contemplated. Disciplinary proceedings to be initiated should be under Rule 9 of the Tamil Nadu Pension Rules, 1978.



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3. Mr.R.S.Anandan, the learned Counsel appearing on behalf of the petitioner would submit that even the provisional pension as admissible has not been paid to the writ petitioner.

4. In this regard, Mrs.P.Selvi, the learned Counsel appearing on behalf of the respondents relying on the counter affidavit filed on behalf of the 2nd respondent would submit that on considering the requisition submitted by the writ petitioner before the I Additional District Judge, Ranipet an order was passed on 28.06.2024 to draw provisional Pension and to that effect proceedings dated 06.07.2024 has been issued. Steps are taken to draw and disburse the provisional pension to the writ petitioner.

5. It is needless to state that till such time the departmental disciplinary proceedings are concluded, the provisional pension as admissible under the Rules is to be paid to the petitioner.

6. Regarding the disciplinary proceedings contemplated, the letter of I Additional District Judge (FAC) to the Registrar General, High Court of Madras would reveal that certain serious lapses are committed by the



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petitioner and explanations were called for from him. The allegations about missing fixed deposit receipts are detailed as under:

"1. *Missing of Fixed Deposit Receipts (FDRs) in respect of the following MCOP Nos.*

<i>Sl.No.</i>	<i>MCOP No</i>
<i>1</i>	<i>890/2002</i> <i>(2 FDRs)</i>
<i>2</i>	<i>197/2006</i>
<i>3</i>	<i>122/2007</i>
<i>4</i>	<i>269/2004</i>

2. *Difference of Rs.1,61,23,983/- between Court Account and Treasury Account in the Civil Court Deposit (CCD).*

3. *Deficit of Rs.8,07,672/- in the Civil Court Deposit (CCD) and*

4. *Non identification of MCOP.Nos. in respect of the Fixed Deposit Receipts (FDRs) for the sum of Rs.3,487/- and 3,487/-.*

5.*Thiru.B.Subramani had submitted his written explanation on 10.03.2023 but so far the above said lapses were not rectified by the individual."*



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7. Therefore, the process of initiation of proceedings have already commenced and the petitioner submitted his explanations to the alleged lapses. The Authority has to consider those allegations and the explanations submitted by the petitioner and final decision is to be taken to proceed in accordance with law. Therefore, the submission of the petitioner that he should be exonerated from the allegations cannot be accepted. However, the Authorities shall expedite the proceedings without causing any undue delay. However, during the pendency of the proceedings, the provisional pension as admissible is to be paid without any lapses.

8. With the above observations, the Writ Petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [C.K., J.]
30.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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