



WEB COPY



W.P.No.1347 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1347 of 2023
and WMP.No.1401 of 2023

J.Eugene Michael Rozario

... Petitioner

Vs

1.Bharathiar University
Rep by its Registrar
Coimbatore – 641 046.

2.The Registrar
Bharathiar University
Maruthamalai Road
Coimbatore – 641 046.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in connection with the order passed by him in proceeding No.BU/E4/2022/Provisional Pension /Mr.J.E.M.R./11633-5 dated 15.12.2022 and quash the same as illegal and further direct the respondents to sanction and pay the eligible pension to the petitioner based on the last pay drawn by the petitioner as on 30.09.2022 in the post of Assistant at Rs.76,742/- with basic pay of Rs.53,300/- along with consequential retiral benefits payable to the petitioner as expeditiously as possible and pass orders.



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For Petitioner : Mr.I.Saddam Hussain

For Respondents : Mr.I.Calvin Jones [R1 & R2]

ORDER

The above writ petition has been filed seeking following relief :

“ To issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in connection with the order passed by him in proceeding No.BU/E4/2022/Provisional Pension /Mr.J.E.M.R./11633-5 dated 15.12.2022 and quash the same as illegal and further direct the respondents to sanction and pay the eligible pension to the petitioner based on the last pay drawn by the petitioner as on 30.09.2022 in the post of Assistant at Rs.76,742/- with basic pay of Rs.53,300/- along with consequential retiral benefits payable to the petitioner as expeditiously as possible.”

2. It is reported by the learned counsel appearing on behalf of the respondents that since the petitioner has passed away, the audit objection would be dropped and the actual pension would be disbursed to the petitioner's family, in tune with the amendments made in G.O.Ms.No.900, Finance (Pension) Department dated 04.12.1995. The relevant portion of the said G.O., is extracted hereunder:



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“ In the Rule 72 after sub-rule(ii) the following sub-rule shall be added namely:

(12) If a Government Servant on whom disciplinary action is pending or is contemplated in respect of audit objections involving financial issues of other irregularities, dies before final orders are passed in the matter, the audit objections pending against the deceased servant shall be deemed to have been settled on the date of his death and disciplinary proceedings pending or contemplated shall, on the date of his death, be deemed to have been dropped. The benefits due to the family of the deceased Government servant shall not be withheld”

3. Recording the same, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

03.12.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order
ds



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P.T. ASHA, J,

ds

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