(2006) 10 MAD CK 0052

In the Madras High Court

Case No : Writ Petition No. 22102 of 2005 and W.P.M.P. No. 17927 of 2006

R. Sambandan APPELLANT

Vs

State of Tamil Nadu RESPONDENT

Date of Decision : 27-10-2006

Acts Referred:

Citation : (2006) 10 MAD CK 0052

Hon'ble Judges : V. Ramasubramanian, J

Bench : Single Bench

Advocate : K. Vasudevan, for the Appellant; V. Arun, Government Advocate (W) for 1st Respondent and V. Vijayshankar, ACGSC for 2nd Respondent, for the Respondent

Judgement

V. Ramasubramanian, J.—The petitioner who retired as Block Development Officer, suffered two penalties, one by virtue of G.O.(D) No.

351, Rural Development Department, dated 28.4.2004 and another under G.O.(D) No. 580, Rural Development Department, dated 30.6.2004.

These two orders of penalty were passed after permitting the petitioner to retire from service without prejudice to the ultimate outcome.

2. Under the first order the petitioner was imposed with a penalty of recovery of a sum of Rs. 3209/- only. Under the second order, the petitioner

was imposed with a penalty of cut in the pension to the extent of Rs. 100/- per month for a period of one year apart from recovery of a sum of Rs.

5,888/- from the DCRG.

3. Apart from the above two penalties of recovery and cut in the pension, no other penalty has been imposed upon the petitioner and the petitioner

is permitted to retire from service. Consequently the petitioner has become entitled to the remaining terminal benefits, pensionary benefits as well as

DCRG, in view of the fact that he has already been permitted to retire from service. The petitioner has also not challenged the orders of penalty

and he has accepted the same.

4. But, unfortunately, his terminal and pensionary benefits have not been paid so far, forcing the petitioner who is now aged about 73 to file the

above writ petition seeking a direction to the respondents to deduct the amounts as ordered under the aforesaid two Government Orders and to

pay the terminal benefits and pensionary benefits.

5. In view of the limited scope of the dispute involved in the writ petition, I have taken up the writ petition itself for disposal, by consent of both the

parties.

6. I have heard Mr. K. Vasudevan, learned Counsel appearing for the petitioner, Mr. V. Arun, learned Government Advocate appearing for the

first Respondent and Mr. V. Vijayshankar, learned Additional Central Government Standing Counsel appearing for the second Respondent.

7. Admittedly, the petitioner has been permitted to retire from service and after retirement only the aforesaid two orders of penalty have been

passed. The first Respondent has not come up with a case that there is any other order of penalty affecting his terminal as well as pensionary

benefits.

8. However, Mr. V. Vijayshankar, learned Additional Central Government Standing Counsel, appearing for the second Respondent, has stated

that the Accountant General has not even received pension proposals from the first Respondent and that is why there is delay in settling the

pensionary benefits.

9. But that is hardly an excuse for not settling the terminal and pensionary benefits of the petitioner even after 15 years of attaining superannuation.

10. In these circumstances, a direction is issued to the first respondent, to forward the pension proposals as well as proposals for payment of

DCRG in respect of the petitioner, after deducting the amount payable by the petitioner as per the two orders of penalty imposed upon him, within

a period of three weeks from the date of receipt of copy of this order. Upon receipt of such proposals from the first Respondent, the second

Respondent shall disburse the entire amount due to the petitioner as per the proposals, within a period of four weeks from the date of receipt of the proposals from the first Respondent. It is made clear that upon failure on the part of the Respondents to comply with the above directions within

the time stipulated, the Respondents will also become liable to pay interest at 9% per annum after the expiry of the period stipulated above for

compliance.

11. The writ petition is disposed of with the above observations. No costs. Consequently, W.P.M.P. No. 17927 of 2006 is closed.

