

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.13199 of 2015

S.Manickavasagam

... Petitioner

Vs.

1. The Secretary to Government,
Handlooms, Handicrafts, Textiles
and Khadi Department,
Fort St.George,
Chennai,
2. The Chief Executive Officer,
Tamil Nadu Khadi and Village
Industries Board,
Kuralagam Buildings,
Chennai - 600 108,
3. The Senior Accounts Officer,
Central Office,
PA-1 Section, Central Office,
Tamil Nadu Khadi and Village
Industries Board,
Kuralagam Buildings,
Chennai - 600 108.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the second respondent to take necessary steps to issue orders regularizing the services of the petitioner and to settle all the retirement benefits within a stipulated time limit.

For Petitioner : Ms.Malarvizhi Udayakumar

For Respondents : Mr.V.V.Jayaprakash
Narayanan, Spl.G.P.

ORDER

The petitioner herein was initially appointed as District Inspector of Cottage Industries in 1962. Thereafter, he was promoted as Assistant Director on 30.04.2000. During the year 1995,

charges were framed making certain allegations. When he reached the age of superannuation on 30.4.2000, he was permitted to retire without prejudice to the disciplinary proceedings pending against him. The disciplinary proceedings resulted in passing of an order in G.O.(2D) No.15, Handlooms, Handicrafts, Textiles and Khadi (F1) Department dated 8.4.2005 imposing the punishment of cut in pension of Rs.150/- per month for the two years and recovery of 50% of the total loss of Rs.76,323/-. The petitioner has not questioned the punishment order and accepted the same. The grievance of the petitioner is that the DCRG, GPF, Earned Leave encashment benefits were not settled even after imposing the above said punishment.

2. I am of the view that the respondents are not correct in not settling the terminal benefits to the petitioner, particularly, after imposing punishment as early as in 2005. The petitioner is now aged 73 years and he is only paid provisional pension. In view of the final order passed as early as in 2005, the respondents ought to have paid all the terminal benefits. The petitioner made representations dated 12.10.2011, 22.2.2012 and 25.03.2015 seeking to grant terminal benefits after regularising his service as Assistant Director. But nothing is done so far. In these circumstances, the petitioner has filed this writ petition seeking disposal of his representations.

3. Taking into account the narrow prayer sought for by the petitioner, the writ petition is disposed of directing the 1st and 2nd respondents to pass orders on the representation dated 25.3.2015 made by the petitioner within a period of two months from today in the light of the aforesaid facts. No costs.

Sd/-

Asst.Registrar (CS III)

सत्यमेव जयते
/true copy/

Sub Asst. Registrar

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B/o

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To

1. The Secretary to Government,
Handlooms, Handicrafts, Textiles
and Khadi Department,
Fort St.George,
Chennai,

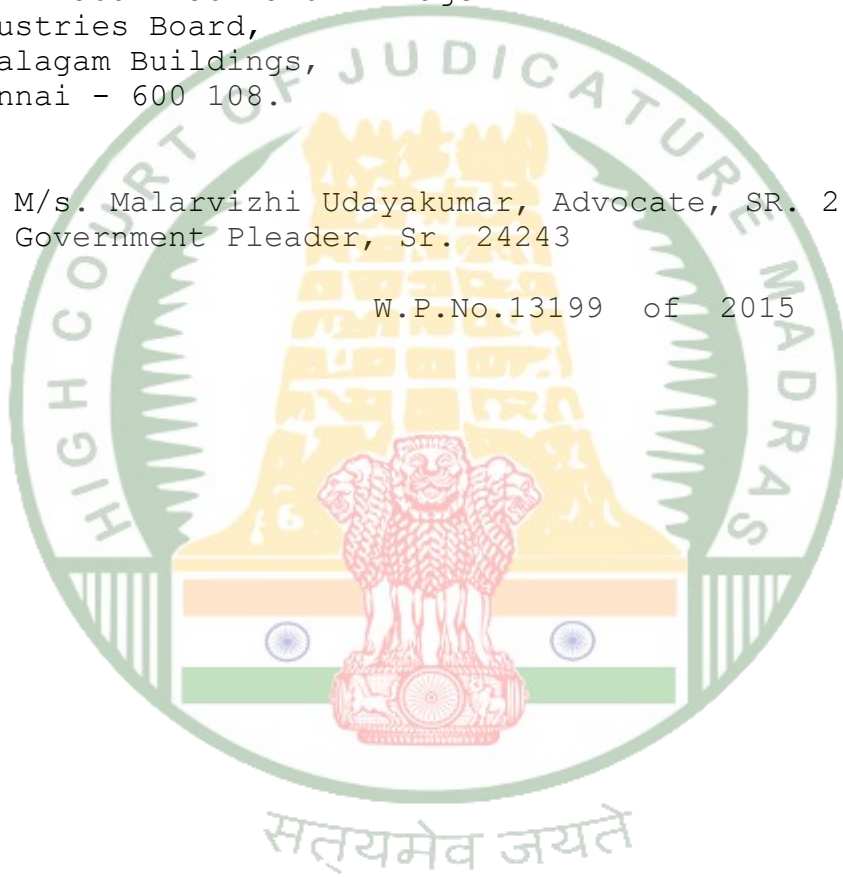
2. The Chief Executive Officer,
Tamil Nadu Khadi and Village
Industries Board,
Kuralagam Buildings,
Chennai - 600 108,

3. The Senior Accounts Officer,
Central Office,
PA-1 Section, Central Office,
Tamil Nadu Khadi and Village
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Chennai - 600 108.

1 cc to M/s. Malarvizhi Udayakumar, Advocate, SR. 23755
1 cc to Government Pleader, Sr. 24243

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