

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.22085 of 2015

R.Chandran

... Petitioner

-Versus-

The Presiding Secretary to Government,
Home (Transport-II) Department,
Secretariat,
Chennai 600 009.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 28.03.2014 and settle the DCRG amount and Encashment of Leave Salary and other retiral benefits due to the petitioner within a stipulated period to be fixed by this court.

For petitioner : Mr.Ravi Shanmugam

For respondent : Mr.S.Gunasekaran, GA

ORDER

The petitioner was a Joint Transport Commissioner. While he was in service, on 27.08.2008 he was issued with a charge memo in TDP Case No.33 of 2008 by the Tribunal [As Constituted by the Commissioner] for Disciplinary Proceedings, Chennai, alleging that he was in possession of disproportionate assets either in his name or in the name of his wife or children than the known sources of income. Though he was due to retire on 31.08.2008, he was not permitted to retire from service on the ground that there has been a disciplinary proceeding pending against him and he was retained in service. However, he was subsequently allowed to retire from service by the respondent by order in G.O.(D) No.1156 and 1157, Home (Tr.III) Department, dated 16.11.2009 without prejudice to continue the disciplinary proceedings under The Tamil Nadu Pension Rules.

2. It is the further case of the petitioner that the Government has, now, by order in G.O.(2D) No.65, Home (Tr.II) Department, dated 03.03.2014, dropped further action in TDP Case No.33 of 2008. According to the petitioner, since the charge was dropped and he was permitted to retire, he made a representation to the respondent to settle him the terminal benefits with interest as per rules. But, the same yielded no response from the respondent.

Hence, the petitioner has come forward with this writ petition.

3. I have heard the submissions made on either side and also perused the records carefully.

4. Considering the limited scope of the prayer sought for in the writ petition and the facts and circumstances of the case, this court, directs the respondent to consider the representation of the petitioner dated 28.03.2014 for settlement of terminal benefits together with interest in the light of the order of this court in GOVERNMENT OF TAMIL NADU, REPRESENTED BY THE SECRETARY TO GOVERNMENT VS. M.DEIVASIGAMANI [2009 (3) MLJ 1] and pass appropriate orders thereon within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is, accordingly, disposed of. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

kmk
To

1.The Principal Secretary to Government, Home (Transport-II)
Department, Secretariat, Chennai 600 009.

1 cc to Government Pleader.Sr.No.37739

1 cc to Mr. Ravi Shanmugam, Advocate Sr.No.37313

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