

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.24876 of 2015
and M.P.No.1 of 2015

P.Natarajan

... Petitioner

Vs.

Revenue Divisional Officer,
Kallakurichi,
Villupuram District

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the respondent, in his Proceedings Na.Ka.No.A1/10335/2004, dated 30.06.2015, quash the same and to direct the respondents to settle the terminal benefits to the petitioner, such as Death-cum-Retirement Gratuity, encashment of earned leave, commutation of pension and Special Provident Fund.

For Petitioner : Mr. P.Ganesan, for M/s.C.S.Associates

For Respondent : Mr. V.Subbiah, Spl.G.P.,

O R D E R

Admit. Mr. V.Subbiah, learned Special Government Pleader, takes notice for the respondent. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner would state that, he joined as Village Administrative Officer at Gudalur Village, on 11.08.1982. Subsequently, while he was working as Village Administrative Officer of Royappanur Village, Kallakurichi Taluk (now Chinnasalem Taluk), Villupuram District, he was arrested under the provisions of The Prevention of Corruption Act, 1988, for having accepted gratification. Though the petitioner was arrested, he was enlarged on bail on the same day and he was placed under suspension on and from 24.09.2004. Challenging the same, the petitioner filed W.P.No.19187 of 2005 and this Court, vide order, dated 16.06.2005,

has passed an order to review the order of suspension and it was not done. Therefore, the petitioner, once-again, filed W.P.No.5225 of 2008, praying for similar relief and this Court, vide order, dated 28.02.2008, has again passed an order to review the order of suspension and ultimately, the review order of suspension was rejected by the respondent on 03.06.2008. The petitioner submitted a representation, dated 21.03.2014, to the second respondent praying for reinstatement in service with conferment of other consequential benefits.

3. In the interregnum, the petitioner has attained the age of superannuation and on account of the pendency of the criminal prosecution, he was not allowed to retire and continue to languish under suspension. Therefore, the petitioner, once-again, made a representation, dated 05.02.2015, praying for conferment of terminal benefits. Since no orders have been passed on the said representation, the petitioner is constrained to approach this Court by filing this writ petition.

4. This Court heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondent.

5. Though the petitioner prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner and in the light of the above facts and circumstances, directs the respondent to consider the request of the petitioner for the payment of Provident Fund Contribution made by him and Encashment of Earned Leave, **and Special Provident Fund*** within a period of six weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner.

6. At this juncture, it is represented by the learned counsel for the petitioner that the criminal prosecution, in the form of S.C.No.1 of 2006 launched against the petitioner is pending on the file of the Court of Special Judge cum Chief Judicial Magistrate, Villupuram, and the learned counsel prayed for expediting the disposal of the said case.

7. Considering the said plea, this Court directs the Court of Special Judge cum Chief Judicial Magistrate, Villupuram, to accord top most priority and conclude the trial as expeditiously as possible, to the said case.

8. This writ petition is disposed of accordingly. No costs. Consequently, the connected MP is closed.

srk

s/d-
Assistant Registrar(CS-III)
dt. 03.09.2015

True Copy

Corrected as per order
dt. 25.09.2015 and made
in WP.24876/15

s/d-
Assistant Registrar(CS-III)
dt. 05.10.2015

Sub-Assistant Registrar

To

1. Revenue Divisional Officer,
Kallakurichi,
Villupuram District
2. Special Judge cum Chief Judicial Magistrate,
Villupuram

To be substituted to
the order
already despatched
on 21.09.2015

+ 1 cc to M/s.C.S.Associates, Advocate **SR.52721/15***

+ 1 cc to the Govt.Pleader High Court, Madras **SR.52403/15***

gp(co)
prk4/9
EU 08.10.2015

WEB COPY

W.P.No.24876 of 2015
& M.P.No.1 of 2015