

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30992 of 2015

Chandravadhanan
Petitioner

..

Vs.

1. The State of Tamil Nadu rep. by
its Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 9.
 2. The District Collector,
Villupuram District.
 3. The District Revenue Officer,
Villupuram, Villupuram District.
 4. The Revenue Divisional Officer,
Tindivanam Division,
Tindivanam, Villupuram District.
- Respondents

..

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents herein to consider the representation of the petitioner dated 11.08.2015 and forthwith grant the retirement benefits and the monthly pension to the petitioner.

WEB COPY

For Petitioner : Ms.AL.Ganthimathi

For Respondents : Mr.V.Subbiah,
Spl. Govt. Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner, was working as Village Administrative Officer at Nadukuppam Village and thereafter, he was working at Vellimedupettai Village, Tindivanam Taluk and he was visited with a disciplinary proceedings in the form of charge memo dated 05.03.2003 under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules alleging that he initiated proceedings in respect of assigning lands to ineligible persons, who are benamidars of two persons, without following the Government guidelines prescribed for assigning lands. The petitioner has submitted his reply and not satisfied with the same, enquiry officer was appointed and ultimately, the first respondent has passed the order on 14.11.2005 in G.O.(3D) No.29 Revenue Department, imposing punishment of stoppage of increment for five years with cumulative effect. The petitioner, challenging the legality of the order, has filed W.P.No.3059 of 2012 and it is pending disposal.

3.The petitioner has attained the age of superannuation on 31.07.2013 and the fourth respondent, vide proceedings dated 31.07.2013, has permitted the petitioner to retire from service without prejudice to the pending writ petition in W.P.No.3059 of 2012. The grievance expressed by the petitioner is that de hors the pendency of the writ petition, he was allowed to retire and he is yet to be conferred with pensionary benefits and in this regard, he has also submitted a representation to the respondents 2 to 4 and since no orders have been passed, came forward to file this writ petition.

4.The learned counsel appearing for the petitioner would submit that even assuming that the order postponing increment with cumulative effect for a period of five years continues, still the petitioner is entitled to terminal/pensionary benefits and other benefits and though he was allowed to retire as early as 31.07.2013, he is yet to be conferred with the same and as a consequence, he and his family is suffering very much and prays for appropriate orders.

5.The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 2 to 4 to consider the representation dated 11.08.2015 submitted by the petitioner on merits and in

accordance with law and pass orders 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. The writ petition is disposed of accordingly. No costs.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

mmi

To

1. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 9.
 2. The District Collector,
Villupuram District.
 3. The District Revenue Officer,
Villupuram, Villupuram District.
 4. The Revenue Divisional Officer,
Tindivanam Division,
Tindivanam, Villupuram District.
- +1 cc to Mr.Al.Ganthimathi,Advocate(sr.53849)
+1 cc to Government Pleader(sr.53724)

सत्यमेव जयते

W.P.No.30992 of 2015

LRS(co)
cp 16/10/2015

WEB COPY