

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34861 of 2015

J.Jayaraman

... Petitioner

Vs.

- 1 State of Tamil Nadu
Rep. by its Secretary,
Revenue Department,
Fort St. George,
Chennai-600 009.
 - 2 The Principal Commissioner and Commissioner
of Revenue Administration
Office at Ezhilagam,
Chepauk,
Chennai-600 005.
 - 3 The District Collector,
Cuddalore District.
 - 4 The Accountant General (A&E)
Office at Teynampet,
Chennai-600 006.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the terminal benefits such as provisional pension, earned leave encashment amount, special provident fund amount etc. payable to the petitioner from the date of his retirement on 31.08.2002 by considering his representation dated 10.10.2015 within a time frame to be stipulated by this Honourable Court.

For Petitioner : Mr.S.Vijayan

For Respondents : Mr.S.Gunasekaran for R1 to R3
Government Advocate
Mr.V.Vijayashankar for R4

O R D E R

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

2.The petitioner would state that with regard to his alleged involvement in C.C.No.3 of 2003 which is pending on the file of the Court of Special Judge under Prevention of Corruption Act cum Chief Judicial Magistrate, Cuddalore, he has been placed under suspension and though he has attained the age of superannuation on 31.08.2002, he was not permitted to retire by an order under FR 56 (1) (c) which came to be passed not permitting him to retire. The grievance expressed by the petitioner is that, now he is aged about 70 years and the criminal case is proceeding in a snail phase and he and his family members are suffering very much and hence, came forward to file this writ petition praying for disbursal of provisional pension, encashment of earned leave, special provident fund etc.

3.Heard the submissions of Mr.S.Vijayan, learned counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents 1 to 3 and Mr.V.Vijayashankar, learned counsel who accepts notice on behalf of the fourth respondent.

4.The learned Government Advocate would submit that since the criminal prosecution is pending, the petitioner is not allowed to retire from service and based upon the result of the criminal case, appropriate orders will be passed.

5.This Court in the light of the above facts and circumstances, directs the first respondent to consider and dispose of the petitioner's representation dated 10.10.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The Special Court for Prevention of Corruption Act cum Chief Judicial Magistrate, Cuddalore is also directed to expedite the trial in C.C.No.3 of 2003 and pronounce final verdict as expeditiously as possible and in the meanwhile send a report to the Registrar (Judicial) as to the reasons for the long pendency.

7.The writ petition is disposed of accordingly. No costs.

sd/
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

- 1 The Special Judge under Prevention of Corruption Act cum Chief Judicial Magistrate, Cuddalore.
- 2 The Secretary,
State of Tamil Nadu
Revenue Department,
Fort St. George,
Chennai-600 009.
- 3 The Principal Commissioner and Commissioner
of Revenue Administration
Office at Ezhilagam,
Chepauk,
Chennai-600 005.
- 4 The District Collector,
Cuddalore District.
- 5 The Accountant General (A&E)
Office at Teynampet,
Chennai-600 006.
- 6 The Registrar (Judicial),
High Court, Madras.

+1 CC to MR.S.Vijayan Advocate. SR.NO. 59415
+1 CC to Govt.Pleader. SR.NO. 59892

W.P.No.34861 of 2015

CO-MG
JD 20/11/2015