

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition Nos.28266,29209,29210,
31307 and 32082 of 2013 and
Connected Miscellaneous Petitions (11 Mps)

S.P.Subramanian ...Petitioner in W.P.No.28266/2013
P.Paramasivam ...Petitioner in W.P.No.29209/2013
K.Rangaamy ...Petitioner in W.P.No.29210/2013
S.Ponnusamy ...Petitioner in W.P.No.31307/2013
C.Palanisamy ...Petitioner in W.P.No.32082/2013

Vs.

- 1.The Secretary to Government,
Cooperation, Food and Consumer
Protection(CLI) Department,
Fort St.George, Chennai - 600 009.
- 2.The Revenue Divisional Officer,
Dharapuram, Tiruppur District. ...*1&2 Respondents in
WP.28266/13, 29209, 29210 & 32082/13
- 3.The Secretary to Government
Co-Operative Food and Consumer
Protection Department,
Fort St.George Chennai-9. ...1st Respondent in WP.31307/13
- 4.The Revenue Divisional Officer,
Tiruppur, Tiruppur District. ...2nd Respondent in WP.31307/13

W.P.No.28266 of 2013 filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Letter No.5375/CL-1/2006-14, dated 01.11.2010 and consequential order passed by the 2nd respondent in his proceedings Ref.No.4507/2006/D dated 28.09.2012 and Ref.No.4507/2006/D dated 30.09.2012 and quash the same and consequently directing the respondents to disburse the petitioner's retirement benefits including the Provident Fund, Gratuity, Computation of Pension, Earned Leave Salary and etc., applicable to the Government Servants.

W.P.No.29209 of 2013 filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Letter No.13118/CD-1/2006-16, dated 28.09.2010 and consequential order passed by the 2nd respondent in his proceedings Ref.No.93/2012/D dated 28.06.2013 and quash the same and consequently directing the respondents to disburse the petitioner's retirement benefits including the Provident Fund, Gratuity, Computation of Pension, Earned Leave Salary and etc., applicable to the Government Servants.

W.P.No.29210 of 2013 filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Letter No.13118/CD-1/2006-8, dated 28.09.2010 and consequential order passed by the 2nd respondent in his proceedings Ref.No.11975/2000/D dated 28.06.2013 and quash the same and consequently directing the respondents to disburse the petitioner's retirement benefits including the Provident Fund, Gratuity, Computation of Pension, Earned Leave Salary and etc., applicable to the Government Servants.

W.P.No.31307 of 2013 filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, calling for the entire records relating to the impugned letter issued by the first respondent in his Letter No.13118/CD-1/2006-4, dated 28.09.2010 and quash the same and consequently direct the respondents to allow the petitioners to retire from service by disbursing the entire retirement benefits.

W.P.No.32082 of 2013 filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to disburse the retirement benefits including Gratuity, General Provident Fund and Pension.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.R.BalaRamesh,
Additional Government Pleader

C O M M O N O R D E R

While the petitioners were working as Village Administrative Officers, disciplinary proceedings were initiated against them. The second respondent initiated criminal as well as disciplinary proceedings against the petitioners alleging irregularities in the

matter of procurement of copras. The Government have subsequently dropped the criminal as well as disciplinary proceedings. Even though, the petitioners retired from service, their retirement benefits were not paid on account of the pendency of criminal proceedings and the related disciplinary proceedings. In view of the subsequent events, resulting in dropping the criminal proceedings and related disciplinary proceedings, the petitioners seek a direction to the respondents to disburse the retirement benefits including Gratuity and General Provident fund as expeditiously as possible.

2. Heard the learned counsel for the petitioners and the learned Additional Government Pleader on behalf of the respondents.

3. The learned Additional Government Pleader on the strength of the relevant Government orders submitted that the Government have withdrawn criminal as well as disciplinary proceedings initiated against the petitioners and as such, there would no difficulty to consider the case of the respective petitioners for payment of retirement benefits.

4. The first respondent is directed to disburse the retirement benefits of the petitioners taking into account the withdrawal of disciplinary proceeding against the petitioners by the following Government Orders :-

i) G.O.(2D)No.31 Co-operation, Food and Consumer Protection Department, dated 05.02.2015 - [S.P.Subramanian, Petitioner in W.P.No.28266 of 2013]

ii) G.O.(2D)No.19 Co-operation, Food and Consumer Protection Department, dated 05.02.2015 - [P.Paramasivam, Petitioner in W.P.No.29209 of 2013]

iii) G.O.(2D)No.14 Co-operation, Food and Consumer Protection Department, dated 05.02.2015 - [K.Rangasamy, Petitioner in W.P.No.29210 of 2013]

iv) G.O.(2D)No.10 Co-operation, Food and Consumer Protection Department, dated 05.02.2015 - [S.Ponnusamy, Petitioner in W.P.No.31307 of 2013]

v) G.O.(2D)No.15 Co-operation, Food and Consumer Protection Department, dated 05.02.2015 - [C.Palanisamy, Petitioner in W.P.No.32082 of 2013]

Payment should be made as expeditiously as possible and in any case within a period of two months from the date of receipt of a copy of this order.

5. The writ petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar
Dt.20.3.15

//True Copy//

Sub Assistant Registrar

***Amended as per letter dt.1.4.15**

Sd/-
Assistant Registrar
Dated:1.4.15

True Copy

Sub Assistant Registrar

To

1. The Secretary to Government,
Cooperation, Food and Consumer
Protection Department,
Fort St.George, Chennai - 600 009.
2. The Revenue Divisional Officer,
Dharapuram, Tiruppur District.
- 3.The Revenue Divisional Officer,
Dharapuram, Tiruppur District.
- 4.The Secretary to Government
Co-Operative Food and Consumer
Protection Department,
Fort St.George Chennai-9.

***To be substituted the order
already despatched on
20.3.15.**

+5cc's to Mr.C.Prakasam, Advocate, S.R.No.12651 to 12655
+1cc to the Government Pleader, S.R.No.12572

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W.P.Nos.28266,29209,29210,
31307 and 32082 of 2013

SCD(CO)
CA(20/03/2015)
krd 1/4/15