

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14744 of 2016

K.Elumalai

... Petitioner

.Vs.

1 The Secretary to Government,
Revenue Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2 The Commissioner of Revenue,
Ezhilagam,
Chepauk,
Chennai-600 005.

3 The District Collector,
Kancheepuram District,
Kancheepuram.

4 The Revenue Divisional Officer,
Chengalpet,
Kancheepuram District.

5 The Thasildar,
Taluk Office,
Thirukazhukundram.

6 The Pay and Accounts Officer,
No.485, Anna Salaim
Nandanam,
Chennai-600 018.

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 28.10.2015, seeking to settle the retirement and pensionary

benefits along with the salary for the period from 01.02.2014 to 11.03.2014, in view of the order of the 4th respondent in Na.Ka.No.7455/2003A, dated 18.09.2015, completely exonerating the petitioner from all the charges.

For petitioner : Mr.G.Arulmurugan

For Respondents : Mr.S.Gunasekaran,
Additional Government Pleader

ORDER

The petitioner Mr.K.Elumalai was appointed as Village Administrative Officer through the Tamil Nadu Public Service Commission on 08.07.1984 in Nandhivaram Village, Kancheepuram District. While so, the 4th respondent issued an order of suspension on 30.09.2005 under Rule 17(e) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, against the petitioner on the ground that he has not attended the duty from 01.02.2004 till the order of suspension. Finally, the Enquiry Officer conducted enquiry and submitted his report. Pursuant to the same, the 4th respondent/Revenue Divisional Officer, Kancheepuram District, who is the competent authority, passed an order dropping him from all the charges. In the meantime, though the petitioner on reaching the age of superannuation on 31.03.2014, retired from service, he has not received the retirement benefits till date. Hence, he has made a representation dated 28.10.2015 to the respondents and the same was not considered.

2.It is also pertinent to note that when the petitioner reached the age of superannuation on 31.03.2014, he was permitted to retire from service, subject to the result of the pending disciplinary proceedings. Now, in view of the order passed by the 4th respondent dated 18.09.2015, dropping the petitioner from all the charges, the petitioner is entitled to get all the retirement benefits.

3.The learned Additional Government Pleader has made a request that a direction may be given to the petitioner to make a copy of the representation dated 28.10.2015 along with a copy of this order for the administrative convenience so as to enable the respondents to pass orders on the same.

Therefore, this Writ Petition is disposed of with a direction to the petitioner to furnish a copy of the representation dated 28.10.2015 to the respondents 3 to 5 along with a copy of this order within one week from the date of receipt of a copy of this order and thereafter, the respondents 3 to 5 are directed to

consider the representation of the petitioner and pass appropriate orders within a period of four weeks on merits and in accordance with law. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

mps

To

- 1 The Secretary to Government,
Revenue Department,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2 The Commissioner of Revenue,
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Chepauk,
Chennai-600 005.
- 3 The District Collector,
Kancheepuram District,
Kancheepuram.
- 4 The Revenue Divisional Officer,
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- 6 The Pay and Accounts Officer,
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- 1 cc to Mr.G. Arulmurugan, Advocate, Sr. 24652
1 cc to the Government Pleader, Sr. 24963

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