

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-07-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.24130 of 2016

A.Kalaiselvan

... Petitioner

Vs.

1. The State of Tamil Nadu
represented by Principal Secretary to Government
Commercial Taxes and Registration Department
Secretariat, Fort St.George
Chennai-9.

2. The Principal Secretary/
Commissioner of Commercial Taxes
Ezhilagam, Chepauk
Chennai-5.

... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorari, to call for the records of the 1st respondent in G.O.(D) No.224, Commercial Taxes and Registration (E1) Department, dated 30.06.2016 and consequential order in G.O.(D) No.225 Commercial Taxes and Registration (E1) Department, dated 30.06.2016 and quash the same and pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.Adithya Reddy

For Respondents : Mr.Kanmani Annamalai

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records of the 1st respondent in G.O. (D) No.224, Commercial Taxes and Registration (E1) Department, dated 30.06.2016 and consequential order in G.O.(D) No.225

Commercial Taxes and Registration (E1) Department, dated 30.06.2016 and quash the same.

3. The petitioner joined service as Junior Assistant in the year 1985. Subsequently, he got further promotions. While, he was working as Assistant Commissioner, he was issued with a charge memo. Subsequently, on the very last day of his retirement, he was placed under suspension and therefore, his terminal benefits were not paid. Aggrieved against the same, the present Writ Petition has been filed seeking the relief stated supra.

4. The learned counsel for the petitioner would submit that the petitioner was not allowed to retire on the last date of his retirement and he was kept under suspension and therefore, his entire terminal benefits have not been paid to him. He would further add that the petitioner is not guilty and he is ready to face the enquiry and only he wants the enquiry to be completed, as per law, and whatever, the terminal benefits, he is entitled to, that should be paid to him.

5. The learned Standing Counsel, who took notice on behalf of the respondents, on instructions, would submit that since, the petitioner has been retained and he was not allowed to retire on the last date of his retirement, 75% of the terminal benefits, which he is eligible, is bound to be paid by the Department, for which, they would take appropriate steps and the same would be paid within a period of eight weeks from the date of receipt of a copy of this order.

6. The submission of the learned standing counsel for the respondents, on instructions, is recorded. The respondents are hereby directed to pay the eligible terminal benefits to the petitioner, which as per the submission of the learned standing counsel for the respondents, on instructions, he is eligible, within a period of eight weeks from the date of receipt of a copy of this order. It is further directed that the enquiry proceedings shall be completed as expeditiously as possible. It is made clear that the petitioner shall extend his fullest co-operation and he shall participate in the enquiry proceedings without any default. This Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

paa

To

1. The Principal Secretary to Government
The State of Tamil Nadu
Commercial Taxes and Registration Department
Secretariat, Fort St.George
Chennai-9.

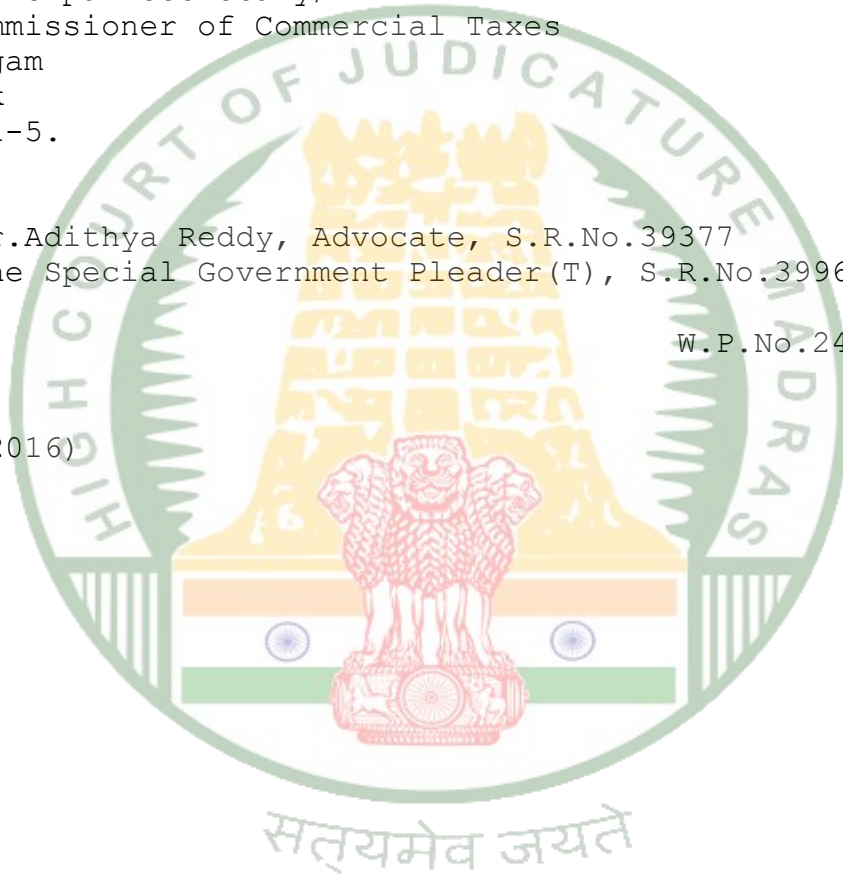
2. The Principal Secretary/
Commissioner of Commercial Taxes
Ezhilagam
Chepauk
Chennai-5.

+1cc to Mr.Adithya Reddy, Advocate, S.R.No.39377

+1cc to the Special Government Pleader(T), S.R.No.39961

W.P.No.24130 of 2016

SKV(CO)
CA(28/07/2016)



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