

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38671 of 2016

A.Loganathan

... Petitioner

Vs

1 The District Collector
Tiruppur District Tiruppur

2 The Revenue Divisional Officer
Revenue Divisional Office Tiruppur
Tiruppur District

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to consider the representation dated 15.10.2016 seeking for arrears increments, subsistence allowance and unearned leave payable to the petitioner.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to consider the representation dated 15.10.2016 seeking increment arrears, subsistence allowance and unearned leave payable to him.

3. It is the case of the petitioner that he entered into service as Village Administrative Officer on 12.3.1984 in Elipili Village, Guruva Reddiyur, Bhavani Taluk, Erode, under the respondents and he retired from service. While he was in service, a criminal case was registered against him in Crime No.5/2A/2000 by the Inspector of Police, Vigilance and Anti Corruption, Erode, for the offence under Section 7 of Prevention of Corruption Act and he was placed under suspension by proceedings dated 5.12.2000, against which, he preferred an application before the Tamil Nadu Administrative Tribunal, in O.A.No.2089 of 2001 and obtained interim stay of the order of suspension dated 5.12.2000. Thereafter, the suspension order was revoked and the petitioner was re-instated into service by order dated 18.6.2001. Pending criminal case, the petitioner was issued with a charge memo dated 6.2.2004 and he submitted a letter dated 11.8.2004 denying the charges. While so, after trial in the criminal case, he was convicted and sentenced to undergo rigorous imprisonment for six months and to pay fine of Rs.1,000/-. In the meantime, the petitioner was again placed under suspension by order dated 29.1.2010 on the ground that an enquiry into grave charges was contemplated. Subsequently, the petitioner attained the age of superannuation on 31.1.2010, but he was not permitted to retire from service and he was retained in service by order dated 31.1.2010. During the period of suspension, he was not paid with the subsistence allowance and the yearly increment. Thereafter, he preferred an appeal before this Court in Crl.A.No.627 of 2010 and the same was dismissed, against which, he filed a Special Leave Petition before the Hon'ble Supreme Court and the same was also dismissed. Subsequently, the petitioner was issued with a show cause notice dated 29.2.2016 and the petitioner submitted his explanation on 8.3.2016. But, without considering the same, the second respondent issued an order of dismissal from service on 8.3.2016. During the period of suspension, the petitioner is entitled to yearly increments, subsistence allowance and the benefit of unearned leave. In this regard, he sent a representation dated 15.10.2016 to the second respondent. But, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the second respondent to consider the representation of the petitioner dated 15.10.2016 seeking

increment arrears, subsistence allowance and unearned leave amount payable to him and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sbi

To

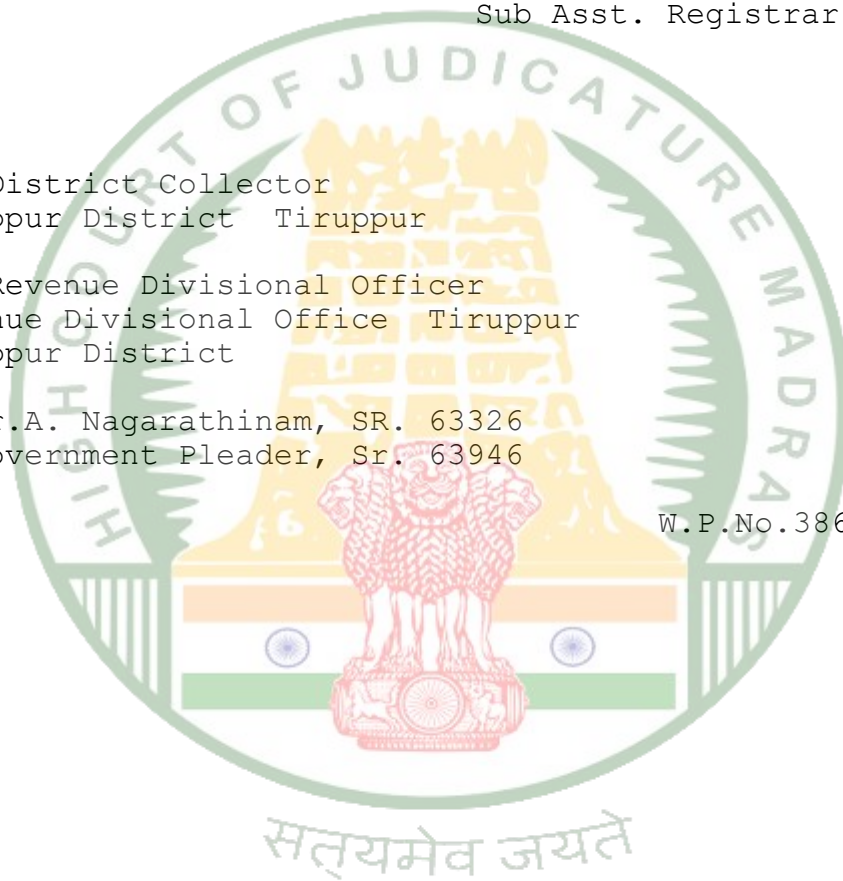
- 1 The District Collector
Tiruppur District Tiruppur
- 2 The Revenue Divisional Officer
Revenue Divisional Office Tiruppur
Tiruppur District

1 cc to Mr.A. Nagarathinam, SR. 63326

1 cc to Government Pleader, Sr. 63946

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