

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.39683 of 2016

T.P.Suresh Babu

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
rep.by the Principal Secretary to Government,
Highways and Minor Ports Department,
Chennai-600 009.
 - 2.The Accountant General (A & E),
361, Anna Salai,
Chennai-600 008.
 - 3.The Director General (H),
Highways Department, Chepauk,
Chennai-600 005.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent i.e., the Principal Secretary to Government Highways and Minor Ports Department to sanction and to release the pending Death-cum-Retirement Gratuity (DCRG) payable to the petitioner with statutory interest at the rate of 12% compounded annually based on the representation of the petitioner dated 25.02.2015 to meet both ends of justice in accordance with law.

For Petitioner : Mr.A.S.Palanisamy
For respondents : Mr.S.N.Parthasarathi, GA

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, praying for issuance of a Writ of Mandamus, directing the 1st respondent i.e., the Principal Secretary to Government Highways and Minor Ports Department, to sanction and to release the pending Death-cum-Retirement Gratuity (DCRG) payable to the petitioner with

statutory interest at the rate of 12% compounded annually, based on the representation of the petitioner dated 25.02.2015, in accordance with law.

2.It is stated by the petitioner that he joined as Assistant Engineer in the Highways Department and thereafter, he got promotions. When the petitioner was working as Chief Engineer, he was attained the age of superannuation on 31.05.2001 and he was permitted to retire from service, without prejudice to the disciplinary proceedings pending against him, by the 1st respondent vide G.O.Ms.No.83, dated 31.05.2001. Thereafter, provisional pension was paid to the petitioner from 01.06.2001 by the 2nd respondent. The above said disciplinary proceedings are relating to a case which was filed by the Directorate of Vigilance and Anti-Corruption against the petitioner and 29 others, in connection with the allegation of corrupt practices in the work at Tirunelveli, when the petitioner was working as Regional Engineer with Tamil Nadu State Construction Corporation during 25.01.1991 to 01.09.1992. Earlier, since no enquiry was conducted in connection with the departmental proceedings, the petitioner had filed a writ petition in W.P.No.19330 of 200 and this Court had passed an order to the effect that if no final orders is passing in the disciplinary proceedings pending against the petitioner on or before 31.10.2006, the disciplinary proceedings would stand lapsed/cancelled. Even after the said order passed by this Court, no final orders were passed by the respondents. Thereafter, the 1st respondent issued orders dropping all the charges pending against the petitioner, vide G.O.Ms.No.8, dated 09.01.2012, which formed the basis for permitting the petitioner to retire from service with all terminal benefits. Now, it is the grievance of the petitioner that though pension and other retirement benefits were sanctioned to the petitioner, DCRG has not been sanctioned and released till date. Hence, the petitioner made a representation dated 25.02.2015 to the respondent. But, the petitioner's representation was not considered by the respondents. Hence, the petitioner has come forward with the present writ petition.

3.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the materials available on record.

4.Considering the facts and circumstances of the case and the submissions made on either side, without expressing any opinion on the merits of the claim made by the petitioner, this Court directs the petitioner to give a fresh representation to the 1st respondent, along with a copy of this order, within a period of two weeks, from the date of receipt of a copy of this order. On receipt of such representation, the 1st respondent is

directed to consider the same and to pass appropriate orders, on merits and in accordance with law, with a period of two weeks thereafter.

With the above directions, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssv

To

1 The Government of Tamil Nadu
repl.by the Principal Secretary to
Government Highways & Minor Ports
Department, Chennai 600 009

2 The Accountant General (Act)
361 Annasalai, Chennai 600 008

3 The District General (H)
Highways Department, Chepauk
Chennai 600 005

+2cc to Mr.A.S. Palanisamy, Advocate, S.R.No.71317
+1cc to the Government Pleader, S.R.No.71692

ug(CO)
md(06/01/2017)

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