

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43040/2016

P.Kumaresan

..

Petitioner

Vs

1.The Secretary

Government of Tamil Nadu
Municipal Administration &
Water Supply Department
Fort St George, Chennai 600 009.

2.The Managing Director

Tamilnadu Water Supply & Drainage
Board, 31, Kamarajar Salai
Chepauk, Chennai 600 005.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to grant terminal benefits such as DCRG, Commutation of Pension, arrears of Leave Salary, Pension and all other terminal benefits with accrued interest to the petitioner.

For Petitioner : Mr.P.Gunaraj

For R1 : Mr.K.Dhananjayan, Spl.GP

For R2 : Mr.Janakiraman

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the 1st respondent and Mr.Janakiraman, learned Counsel accepts notice on behalf of the 2nd respondent.

2 The petitioner while working as Engineering Director in the services of the 2nd respondent, was involved in a criminal case for the alleged commission of the offences punishable under the provisions of the Prevention of Corruption Act, 1988. The case after investigation, has culminated into a charge-sheet which was taken on file as CC.No.22/2013 by the Special Court for Trial of Prevention of Corruption Act Cases, Chennai, and vide judgment dated 31.05.2016, he was acquitted.

3 The learned counsel for the petitioner would submit that the Departmental Proceedings initiated against the petitioner were also put to challenge in WP.No.10918/2014 and it was entertained and interim order was granted and since the criminal prosecution as well as the charge memo in the Departmental Proceedings are one and the same and in the light of the order of acquittal passed by the criminal court, there cannot be any impediment on the part of the respondents to permit the petitioner to retire from service and disburse the terminal benefits. In this regard, the petitioner has also submitted a representation dated 10.06.2016 to the 2nd respondent and even though it has been received and acknowledged, no orders have been passed and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the 1st respondent and Mr.Janakiraman, learned counsel appearing for the 2nd respondent.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 10.06.2016 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

AP

To

1.The Secretary
Government of Tamil Nadu
Municipal Administration &
Water Supply Department
Fort St George, Chennai 600 009.

2.The Managing Director
Tamilnadu Water Supply & Drainage
Board, 31, Kamarajar Salai
Chepauk, Chennai 600 005.

1 cc to M/s.P. Gunaraj, Advocate, Sr. 72530
1 cc to M/s. Government Pleader, Sr. 72383

W.P.No.43040/2016

CNR (CO)
kk 19/1



WEB COPY