

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43463/2016

S.Vijayaraghavan

..

Petitioner

Vs.

1.The Principal Secretary to Government
Health and Family Welfare Department
Government of Tamil Nadu,
Chennai 600 009.

2.The Director of Drugs Control
DMS Campus, Anna Salai
Chennai 600 006.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to pay the petitioner terminal benefits such as General Provident Fund, Gratuity and Leave Encashment based on the petitioner letter dated 05.09.2016.

For Petitioner : Mr.V.Arunagiri

For Respondents : Mr.R.A.S.Senthilvel, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. The petitioner, while holding the post of Assistant Director of Drugs Control, Tiruvallur, was involved in a corruption case, which resulted in the registration of the criminal case by the Vigilance and Anti Corruption, Kancheepuram Detachment, in Cr.No.6/AC2014/KM and the said case, after investigation, has resulted in the charge sheet, which has been taken on file in Spl.CC.No.6/2015 by the learned Special Judge / Chief Judicial Magistrate, Tiruvallur, for the commission of the offences u/s.7 and 13[2] read with 13[1][d] of the Prevention of Corruption Act, 1988, and the Trial Court, vide Judgment dated 07.03.2016, has convicted and sentenced the petitioner to undergo rigorous imprisonment for one year and to pay a fine of Rs.10,000/- with a default sentence of three months for the commission of the offence

u/s.7 of the Act and has been sentenced to undergo rigorous imprisonment for two years with a fine of Rs.10,000/- with the default sentence of three months for the commission of the offence u/s.13[2] read with 13[1][d] of the Act. The petitioner, aggrieved by the conviction and sentence, filed an appeal in CA.No.219/2016 before this Court and got the sentence of imprisonment alone suspended, vide interim order dated 23.03.2016 made in CrI.MP.No.3363/2016. Subsequently, the petitioner, on the eve of his superannuation, was placed under suspension and he was also not permitted to retire from service, vide proceedings of the 1st respondent dated 23.03.2016 and 29.04.2016 respectively. The grievance expressed by the petitioner is that he has submitted a representation dated 05.09.2016 to the 1st respondent praying for settlement of the General Provident Fund, Gratuity and Leave Encashment. It is also the grievance of the petitioner that the Subsistence Allowance has not been paid right from February 2016 and as a consequence, his family is suffering a lot and therefore the petitioner came forward to file the present writ petition.

3. The learned counsel for the petitioner, in support of his submissions also placed reliance on the order of this Court dated 06.08.2014 made in WP.No.20946/2014 [B.Udayakumar Vs. the District Collector, Cuddalore and 3 others].

4. This Court heard the submissions of Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents and perused the materials placed before it.

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 1st respondent to consider and dispose of the petitioner's representation dated 05.09.2016 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

1.The Principal Secretary to Government
Health and Family Welfare Department
Government of Tamil Nadu,
Chennai 600 009.

2.The Director of Drugs Control
DMS Campus, Anna Salai
Chennai 600 006.

+1cc to Mr.V.Arunagiri, Advocate sr.73743

+1cc to Government Pleader sr.74444

WP.No.43463/2016

kgk(co)

ss(11/01/2017)



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