

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.03.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.8550 of 2016

N.V.Thayumanavar

.. Petitioner

Vs.

State of Tamil Nadu,
rep. by its Principal
Secretary to Government,
Labour & Employment Department,
Secretariat, Chennai 600 009.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus by directing the respondent to revoke the order of suspension made in G.O. (D) No.191, Labour & Employment (E1) Department, dated 28.05.2014 and retention order in G.O. (D) No.194, Labour & Employment (E1) Department, dated 30.05.2014 and settle the terminal benefits and confer all the consequential benefits including promotion to the post of Joint Commissioner of Labour from the date on which his junior was promoted, revision of pay and terminal benefits with interest @ 18% by considering the representation made by the petitioner dated 06.05.2015 followed by reminders.

For Petitioner : Mr.P.Ganesan

For Respondent : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

The petitioner, who was placed under suspension, by G.O. (D) No.191, Labour & Employment (E1) Department, dated 28.05.2014, has come to this Court, seeking a direction to the respondent to settle the terminal benefits and confer all the consequential benefits including promotion to the post of Joint Commissioner of Labour from the date on which his junior was promoted, revision of pay and terminal benefits with interest @ 18%, by considering the representation made by the petitioner dated 06.05.2015 followed by reminders.

2.The grievance of the petitioner is that he was appointed as Labour Officer on 21.05.1985 through Tamil Nadu Public Service Commission and posted at Labour Office, Coonoor, Nilgiris District. However, an F.I.R. has been filed on 14.05.2007 against the petitioner, by the Vigilance and Anti Corruption, on the ground that while he was working as Deputy Commissioner of Labour and Commissioner for Workmen's Compensation, Salem, has issued demand draft, without verifying the actual person to be compensated. Thereafter, the petitioner was placed under suspension on 28.05.2014 and though he was due to retirement on 31.05.2015, he was retained in service, by order dated 30.05.2014. Challenging the F.I.R., which was re-numbered as C.C.No.97 of 2014, the petitioner has preferred Crl.O.P. No.17327 of 2014 before this Court and the said C.C. No.97 of 2014 was quashed by order dated 30.03.2015. Thereafter, the petitioner made representation to the respondent on 06.05.2015 in person, requesting to revoke the order of suspension and settle all the terminal benefits. But, till date, the same has not evoked any response from the respondent. Therefore, he is before this Court.

3.Learned counsel appearing for the petitioner would submit that once the criminal case is quashed by this Court, the petitioner is entitled for revocation of suspension and is entitled for getting all the terminal benefits. Even after the petitioner's representation dated 06.05.2015, the respondent has not passed any order. Therefore, the petitioner made representation in person on 05.06.2015, 07.07.2015, 18.08.2015, 31.12.2015 and 03.03.2016. But, till date, the respondent has not considered the said representations and has not passed any order to settle the terminal benefits of the petitioner.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

5.Considering the submission made by the learned counsel appearing for the petitioner, this Court is of the view that as the criminal case registered under C.C. No.97 of 2014, has been quashed by order dated 30.03.2015 in Crl.O.P. No.17327 of 2014, this court has no hesitation to issue direction to the respondent. Accordingly, the respondent is directed to consider the petitioner's representation dated 06.05.2015 and pass orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs.

vga

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

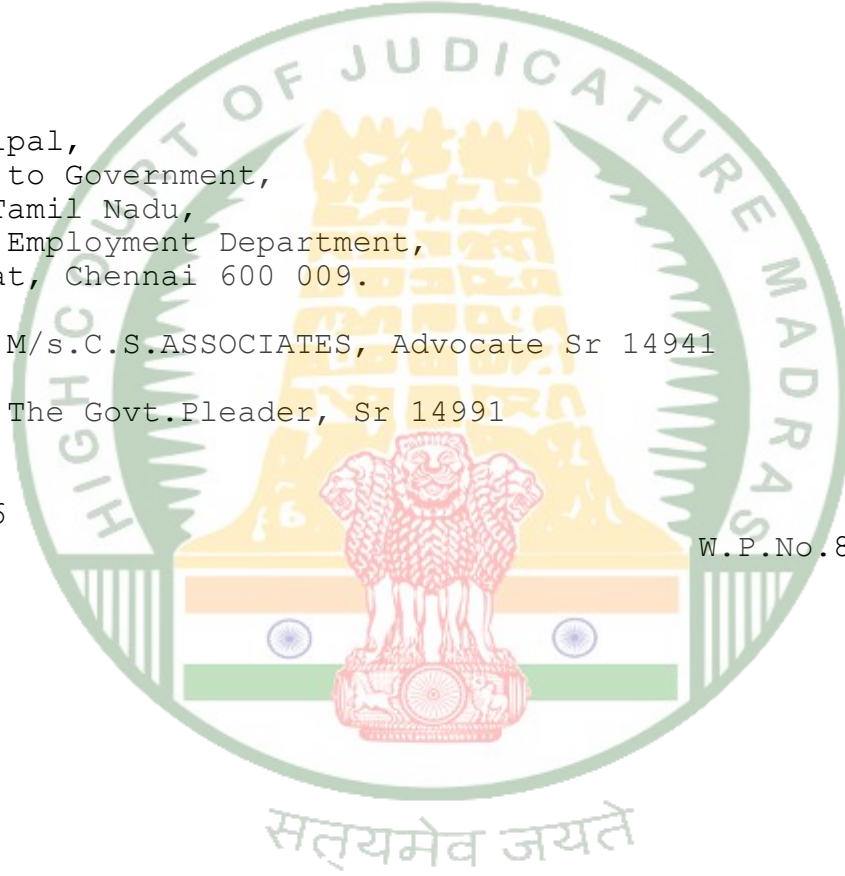
The Principal,
Secretary to Government,
State of Tamil Nadu,
Labour & Employment Department,
Secretariat, Chennai 600 009.

+ 1 cc to M/s.C.S.ASSOCIATES, Advocate Sr 14941

+ 1 cc to The Govt.Pleader, Sr 14991

KR/11/4/16

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