



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2016

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.8391 of 2015

and

M.P(MD)No.1 of 2015

A.Nainar Mohammed

... Petitioner

vs.

1)The State of Tamilnadu, Rep.by
The Secretary to Government,
Environment & Forests (FRI) Department,
Secretariat,
Chennai-9.

2)The Principal Chief Conservator of Forests,
15, Jeenis Road,
Saidapet,
Chennai-15.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle all the retirement benefits including the service benefits, namely, Death Cum Retirement Gratuity, Provident Fund, Special Provident Fund, Commutation of Pension, Encashment of Leave, Pension Arrears and other service benefits in pursuance of the order passed by the Government in G.O(D) No.90 (E & F (FR1) Department, dated 27.4.15 and G.O.(D)No.91, (E & F) (FR1) dated 27.4.15.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.R.Anandharaj, Government Advocate

ORDER

The petitioner/A.Nainar Mohammed has filed the present writ petition seeking issuance of a Writ of Mandamus, directing the respondents to settle all the retirement benefits including service benefits, namely, Death Cum Retirement Gratuity, Provident Fund, Special Provident Fund, Commutation of Pension, Encashment of Leave, Pension Arrears and other service benefits pursuant to the order passed by the Government in G.O(D)No.90, Environment - Forests (FR.1) Department, dated 27.04.2015 and G.O(D)No.91, Environment - Forests (FR.1) Department, dated 27.04.2015.



2.The short issue raised in this writ petition is, even after the petitioner attained the age of superannuation on 31.01.2014, he was not permitted to retire from service on the ground that enquiry into grave charges in two disciplinary cases are pending. Hence, he was placed under suspension by order dated 22.01.2014. Subsequently, two charge memos were dropped by G.O(3D)No.02, Environment and Forests (FR.1) Department, dated 22.01.2014 and G.O (3D)No.05, Environment and Forests (FR.1) Department, dated 31.01.2014, wherein, the Government have decided to accept the findings of the enquiry officer and dropped further action on the disciplinary proceedings initiated against the petitioner/ Thiru.M.Nainar Mohamed, Deputy Conservator of Forests (formerly, Managing Director, Tamilnadu Forest Plantation Corporation Limited, Karaikudi) and finally the charges were also dropped.

3.It is the grievance of the petitioner that even after dropping of both the charges, by issuing the aforesaid two Government orders, the respondents are prolonging the delay in disbursing the retirement benefits.

4.It is at this point of time, Mr.R.Anandharaj, learned Government Advocate appearing for the respondents has fairly submitted that within a reasonable time, the petitioner's retirement benefits would be disbursed.

5.Recording the submission made by the learned Government Advocate, the respondents are directed to pass orders on the representation of the petitioner dated 29.04.2015 seeking disbursement of retirement benefits, in line with the submission made by the learned Government Advocate, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, this writ petition is disposed of. No costs. M.P (MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1)The Secretary to Government,State of Tamilnadu,
Environment & Forests (FRI) Department,Secretariat,Chennai-9.

2)The Principal Chief Conservator of Forests,
15, Jeenis Road,Saidapet,Chennai-15.

+1cc to Spl.Government Pleader Sr.No. 29767

nbi

AA/ARK-PV/20.06.2016/2p-4c