

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8147 of 2017

C.P.Rangasamy

.. Petitioner

-vs-

- 1.The District Collector,
Salem District at Salem.
- 2.The Sub Collector,
Mettur, salem District.
- 3.The Revenue Divisional Officer,
Metur, salem District.
- 4.The District Revenue Officer,
Salem.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the first respondent to consider the claim of the petitioner for settlement of all his service and retirement dues including appropriate fixation of pension and other pensionary benefits by regulating the period between 14.09.2001 and 30.06.2005 as per Fundamental Rules 54 B and Ruling 9 and 10 thereto forthwith with accrued interest on the basis of the representation dated 19.11.2016.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.T.M.Pappiah

Special Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking a direction to the first respondent to consider the claim of the petitioner for settlement of all his service and retirement dues including appropriate fixation of pension and other pensionary benefits by regulating the period between 14.09.2001 and 30.06.2005 as per Fundamental Rules 54 B and Ruling 9 and 10 thereto forthwith with accrued interest on the basis of the representation dated 19.11.2016.

2. The case of the petitioner is that he was appointed as Village Administrative Officer and suffered suspension on 08.10.1986. However, the same was revoked and had been reinstated into services. After he was reinstated, once again placed under suspension from 13.07.2004 to 28.06.2005. Since he was placed under suspension on allegation of making illegal demand and acceptance of Rs.500/-, he was not permitted to retire from service. In view of the pendency of the Vigilance case, he was superannuated on 30.06.2005. Now, the criminal case in Cr.No.22/AC/2002 was numbered as Spl.C.C.No.14/2014 on the file of Special Judge (Special Court for Trial case under the prevention of Corruption Act) Salem and in and by Judgment dated 22.08.2016, the petitioner was acquitted. He has given a representation dated 22.09.2017 to the third respondent viz., Revenue Divisional Officer, Mettur, Salem District along with the copy of the order passed by the learned Special Judge (Special Court for Trial case under the prevention of Corruption Act) for disbursing terminal benefits as per Fundamental Rules-FR 54(B) Ruling 9. The petitioner has given another representation dated 19.11.2017 to the first respondent and the same is kept pending. Hence the petitioner has come forward with the present writ petition.

3. The learned counsel for the petitioner would submit that the petitioner was placed under suspension by an order dated 13.07.2004 and he was not permitted to retire from services on 30.06.2005 on the ground that the criminal case was registered against the petitioner in Cr.No.22/AC/2002 was numbered as Spl.C.C.No.14/2014 on the file of Special Judge (Special Court for Trial case under the prevention of Corruption Act) Salem. As the said case also entered in acquittal in his favour, he prayed that the representation of the petitioner may be directed to be disposed of.

4. The learned Special Government Pleader appearing for the respondents would submit that the petitioner has not filed any proof of making his representation.

5. Considering the submission made by either side, this Court directs the petitioner to give a fresh representation to the competent authority, within a period of one week from today and on receipt of the same, the competent authority is directed to consider and dispose of the representation and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkd

To

1.The District Collector,
Salem District at Salem.

2.The Sub Collector,
Mettur, salem District.

3.The Revenue Divisional Officer,
Metur, salem District.

4.The District Revenue Officer,
Salem.

+1cc to Mr.Chandra Kumar, Advocate, S.R.No.21139

+1cc to the Government Pleader, S.R.No.21238

W.P.No.8147 of 2017

MG(CO)
RS(12/06/2017)

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