

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

CORAM

THE HON'BLE Mr. JUSTICE T.RAJA

W.P. No.5851 of 2017

A.Sairam

... Petitioner

-Vs-

1. The State of Tamil Nadu
rep. by the Home Secretary to Government
Public (Law and Order - E) Department,
Fort St. George,
Chennai 600 009.
 2. The Addl. Director General of Police,
Prison Department,
Gandhi Irvin Road,
Thalamuthu Natarajan Building,
Egmore, Chennai - 600 008.
 - 3 The Accountant General,
Tenampettai,
Chennai - 600 018.
 - 4 The Superintendent,
Sub-Jail,
Kancheepuram.
- ... Respondents

Petition under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus directing the respondents to
disburse the petitioner's pension benefits within a stipulated
time.

For Petitioner : Mrs.S.T.P.Kuilmozhi

For Respondents : Mr.T.M.Pappiah
Special Government Pleader
for R1, R2 & R4

O R D E R

This writ petition has been filed by the retired employee
Mr.A.Sairam, who was originally appointed as Grade II Warder and
subsequently permitted to retire from service by an order dated

30.04.2016 passed by the Superintendent of Sub-Jail, Kancheepuram, the 4th respondent herein, seeking to disburse the retiral benefits. In the said proceeding dated 30.04.2016, it has been made clear that the grant of permission to retire from service in his favour is subject to the result of the pending Writ Petition No.21826 of 2015. In the above background, the grievance of the petitioner is that when the said writ petition was disposed of by this court on 7.10.2016 by quashing the impugned proceeding issued by the second respondent therein, namely, the District Collector, Kancheepuram District, in Na.Ka.No. 47801/2006/MI dated 12.09.2014, the retiral benefits of the petitioner should be disbursed. As they have not done so, a direction may be given, she pleaded.

2. The learned Special Government pleader takes notice for the respondents 1, 2 & 4.

3. Since a remand prisoner viz., Mari unfortunately died on 24.01.2003, the first respondent, in G.O. (Ms) No. 735, Public (Law & Order E) dated 13.8.2010, had directed initiation of criminal proceedings against all those who had been involved including the petitioner. But when the said proceeding was quashed by this Court in W.P.No.21826 of 2015 by order dated 7.10.2016, there is no impediment for the Department to disburse the retiral benefits. The learned Special Government Pleader for the respondents 1, 2 & 4 sought for reasonable time to disburse the petitioner's retiral benefits.

4. This Court also finds that since the final order dated 30.04.2016 makes it clear that the petitioner was permitted to retire from service subject to the result of the Writ Petition No.21826 of 2015, which has been disposed of, by order dated 07.10.2016, quashing the said proceeding, I find no impediment for the Department to keep the retiral benefits of the petitioner in cold storage. Therefore, the respondents are hereby directed to disburse the retiral benefits to the petitioner expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss/gsa

To

1. The Home Secretary
Public (Law and Order - E) Department,
Fort St. George, Secretariat,
Chennai 600 009.
2. The Addl. Director General of Police,
Prison Department,
Gandhi Irvin Road,
Thalamuthu Natarajan Building,
Egmore, Chennai - 600 008.
3. The Accountant General,
Tenampettai,
Chennai - 600 018.
4. The Superintendent,
Sub-Jail,
Kancheepuram.

+1cc to Mr.Kuilmozhi, Advocate, S.R.No.15331
+1cc to the Government Pleader, S.R.No.15285

W.P.No.5851 of 2017

NRJ (CO)
RS (04/04/2017)



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