

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2017

Coram

The Hon'ble Mr.Justice K.K.Sasidharan

&

The Hon'ble Mr.Justice M.V.Muralidaran

W.P.No.1516 of 2016

and

WMP No.1290 of 2016

1. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai-600 002.
2. The Superintendent of Post Offices
Kumbakonam Division
Kumbakonam - 612 001. ...Petitioners

Vs

1. The Registrar,
Central Administrative Tribunal,
Chennai.
2. T.R.Govindan
44/179, Masthankori Street
Adambakkam, Chennai 600 088 ... Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, to call for records from the file of the 1st respondent made in O.A.No.1173 of 2012, dated 10.06.2014 and quash the same and thus render justice.

For Petitioners : M/s.SU.Srinivasan
Assistant Solicitor General of India

For Respondent-1 : Tribunal

For Respondent-2 : Mr.R.Malaichamy

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O R D E R

This Writ Petition is directed against the order, dated 10.06.2014, in O.A.No.1173 of 2012, on the file of Central Administrative Tribunal, Madras Bench, directing the petitioners to pay interest on account of belated payment of gratuity.

2. The learned Assistant Solicitor General submitted that, eventhough the second respondent was compulsorily retired on

15.05.2009, there was an F.I.R. registered against him, in the year, 2010 and that was the reason for withholding the gratuity. The learned Assistant Solicitor General further submitted that the petitioners are not liable to pay any interest on account of the subsequent events relating to the registration of the case by the Central Bureau of Investigation against the second respondent.

3. We have also heard the learned counsel for the second respondent.

4. The documents available on record indicates that the second respondent was made to retire compulsorily, by order, dated 15.05.2009. It was on the basis of a disciplinary proceedings initiated against him. It is also not in dispute that, immediately after passing the order of compulsory retirement, the second respondent was not given the gratuity amount due to him. The FIR was registered only in the year 2010. Even before registration of the FIR, the second respondent was entitled to receive the gratuity amount from the petitioners.

5. The disciplinary proceedings initiated against the second respondent culminated in passing an order on 15.05.2009, retiring him compulsorily. Therefore, it is clear that there was no proceedings pending against the second respondent prior to 15.05.2009, so as enable the petitioners to take shelter under Rule 68. This aspect was rightly considered by the Tribunal and the Original Application was allowed. We do not find any reason to take a different view in the matter. We confirm the order passed by the Tribunal.

6. In the upshot, we dismiss the Writ Petition. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

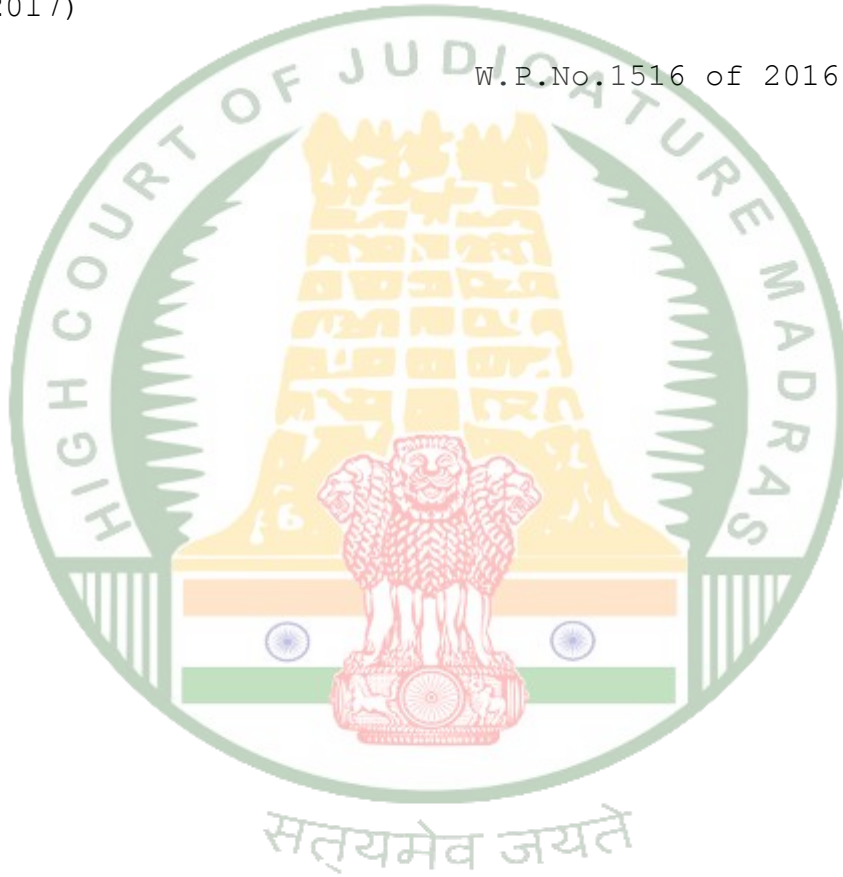
1. The Registrar,
Central Administrative Tribunal,
Chennai.

+1cc to Mr.Su. Srinivasan, Advocate, S.R.No.16890

+1cc to Mr.R. Malaichamy, Advocate, S.R.No.16956

GJ(CO)
md(21/04/2017)

W.P.No.1516 of 2016



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