

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3517 of 2017

1.G.Bagkyavathi

2.G.Saranya

3.G.Saranraj

.... Petitioners

Vs.

1.The State of Tamil Nadu
rep by its Principal Secretary,
Department of Revenue,
Fort St.George, Chennai - 9.

2.The District Collector,
Cuddalore District.

3.The Revenue Divisional Officer,
Virudhachalam Revenue Division,
Virudhachalam, Cuddalore District.

4.The Principal Accountant General,
AG's Office Complex,
No.361, Anna Salai, Teynampet,
Chennai - 18.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 3 & 4 to sanction and effect payment of arrears of salary along with increments, death cum retirement benefits, provident fund, pension and all other monetary and other attendant benefits due and payable to deceased (late) Mr.Gopalakrishnan, former Village Administrative Officer at Mummudichozagan Village, Virudhachalam Taluk & Revenue Division with interest at 9% per annum from the date of its due within a time frame.

For Petitioner : Mr.R.Veeramani
For Respondents: Mrs.M.E.Rani Selvam,
Additional Government Pleader (R1 to R3)
Mr.V.Vijayashankar (R4)

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The husband of the 1st petitioner, while working as an Village Administrative Officer at Mummudichozagan Village, Virudhachalam Taluk, was placed under suspension with effect from 06.07.2004 F.N. in connection with a criminal prosecution and the case registered in this regard was taken on file and culminated into a positive final report, which was taken on the file of the Special Court for trial of Prevention of Corruption Act cases/Chief Judicial Magistrate, Cuddalore as Special C.C.No.1/2005. The 1st petitioner's husband, in the interregnum, has reached the age of superannuation and on account of the pendency of the criminal prosecution, he was placed under suspension and he was not allowed to retire. The husband of the 1st petitioner died on 04.11.2012 and on account of the same, the charges in Special C.C.No.1/2005 on the file of the Special Court for trial of Prevention of Corruption Act cases/Chief Judicial Magistrate, Cuddalore, became abated. In this regard, the 3rd respondent also sent a communication dated 02.11.2016 in Ref.A1/3834/2016, informing the 1st petitioner that her husband deemed to have retired with effect from 30.06.2012 A.N.

3.Mr.R.Veeramani, learned counsel appearing for the petitioners would submit that since the 1st petitioner's husband is deemed to have retired from service with effect from 30.06.2012 A.N., as per the proceedings of the 3rd respondent dated 02.11.2016, there cannot be any impediment on the part of the respondents 1 to 3 to accord the retirement/terminal benefits as well as the family pension. In this regard, the petitioners, viz., wife, son and daughter had submitted a joint representation dated 05.12.2016 to the 3rd respondent and though it was received and acknowledged, so far, no orders have been passed and hence, the petitioners are constrained to approach this Court to file this Writ Petition.

4. Per contra, Mrs.M.E.Rani Selvam, learned counsel appearing for the respondents 1 to 3 would submit that appropriate orders will be passed on the joint representation submitted by the petitioners, who are the other legal heirs, based on the proceedings of the 3rd respondent dated 02.11.2016.

5. Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the 3rd respondent to take note of its own proceedings dated 02.11.2016 and pass appropriate orders on the representation dated 05.12.2016 submitted by the petitioners, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
State of Tamil Nadu
Department of Revenue,
Fort St. George, Chennai - 9.
2. The District Collector,
Cuddalore District.
3. The Revenue Divisional Officer,
Virudhachalam Revenue Division,
Virudhachalam, Cuddalore District.
4. The Principal Accountant General,
AG's Office Complex,
No.361, Anna Salai, Teynampet,
Chennai - 18.

+1cc to Mr.R. Veeramani, Advocate, S.R.No.9076
+1cc to the Government Pleader, S.R.No.9700

ug(CO)
md(27/02/2017)

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