

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.10.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15053 of 2014
and
W.M.P.No.3052 of 2016

Mr.Devarajan

...Petitioner

Versus

1.The District Collector,
Collector's Office,
Kanchipuram Collectorate,
Kanchipuram - 631 501.

2.The District Revenue officer,
Collector's Office,
Kanchipuram Collectorate,
Kanchipuram - 631 501.

3.Tahsildar,
Utramerur,
Kanchipuram District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to dispose of the petitioner's representation dated 25.11.2013 requesting the respondents to grant pension and other statutory benefits from 01.10.2009 to the petitioner.

For Petitioner :M/s.Auxilia Peter

For Respondents :Mrs.K.Bhuvaneswari
Government Advocate

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to dispose of the petitioner's representation dated 25.11.2013 in respect of his claim for grant of pension and other statutory benefits with effect from 01.10.2009.

2.The learned counsel appearing for the writ petitioner made a submission that the writ petitioner was employed as Assistant under the control of the third respondent. A Criminal complaint was registered against him by the Deputy Superintendent of Police, Vigilance and Anti-Corruption Department under sections:120-B read with Section:409, 419, 420, 468, 471 & 477-A of I.P.C and Section:13(1)(c) & (d), 13(2) of Prevention of Corruption Act, 1988. However, the writ petitioner was convicted in the criminal case and thereafter an order of dismissal was issued by the respondent in proceedings dated 19.03.2010.

3.The proceedings dated 19.03.2010, which is enclosed in page number 77 of the typed set of papers filed along with this writ petition, shows that the writ petitioner was convicted to undergo imprisonment for two years and a fine of Rs.20,000/- was imposed by the Chief Judicial Magistrate. Thus, the writ petitioner was dismissed from service on account of the said conviction.

4.An employee dismissed from service is not eligible for pension and the punishment of dismissal amounts to forfeiture of pensionary benefits. The dues admissible to the writ petitioner as per rules alone to be settled by the respondents in accordance with law. Thus, the writ petition cannot be entertained in respect of any direction even to consider the representation, since the writ petitioner has not established any right in relation to the grievances sought to be redressed in the representation submitted.

5.To entertain a writ petition, the writ petitioner has to establish his legal right. Even to issue a direction to consider the representation, the writ petitioner has to establish his right to consider the same. In the absence of establishing any such right, no relief can be granted even for a direction to consider the representation by the Competent Authority.

6.In the case on hand, the writ petitioner was dismissed from service. Accordingly he is not entitled for any pensionary and other benefits. Thus no further adjudication on the grounds raised in this writ petition is required to be undertaken.

7. Accordingly, the writ petition stands dismissed. Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The District Collector,
Collector's Office,
Kanchipuram Collectorate,
Kanchipuram - 631 501.

2. The District Revenue officer,
Collector's Office,
Kanchipuram Collectorate,
Kanchipuram - 631 501.

3. Tahsildar,
Utramalur,
Kanchipuram District.

+1cc to M/s. Auxilia Peter, Advocate, S.R.No. 76981

+1cc to the Government Pleader, S.R.No. 76741

W.P.No.15053 of 2014
and

W.M.P.No.3052 of 2016

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TR(20/11/2017)