

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2017

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
and
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1043 of 2013
and
M.P.No.1 of 2013

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Department of Revenue,
Fort St. George,
Chennai - 9.
 2. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
 3. The Inspector General of Registration,
Santhome High Road,
Chennai - 4.
- ... Appellant/Respondents

... Vs ...

G.Shanbagavalli ... Respondent/Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent,
against the order dated 07.11.2012 passed by this Court in
M.P.No.1 of 2012 in W.P.No.11564 of 2012.

MP.No.1 of 2012 is filed praying to direct the respondents
herein to settle the terminal benefits of the petitioner herein
without reference to the impugned order of the 1st respondent in
G.O(2D)No.71, Reveue(SER 2(1) Department dated 06.03.2012(in
MP.No.1/2012) pending disposal of the WP.No.11564 of 2012.

Prayer in WP.1043 of 2013:Writ petitin filed under Article 226
of Constitution of India, prayign to issue a Writ of Certiorari
to call for the entire records in connection with the impugned
order of the first respondent in G.O.(RD0No.71, Revenue (SER 2
(11) Department, dated 06.03.2012 as communicated by the
District Registrar, Cheyyar for the Petitioner on 02.04.2012 and

quash the said proceedings.

For Appellants : Mr.P.S.Sivashanmugha Sundaram,
Special Government Pleader
For Respondent : Mr.M.Venkatachalapathy, Senior Counsel
for Mr.M.Sriram

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JUDGMENT

(Judgment of the Court was delivered by
RMT. TEEKAA RAMAN, J.,)

The respondent herein has filed the above writ petition in W.P.No.11564 of 2012 seeking to issue a writ of certiorari to call for the entire records in connection with the impugned order passed by the first appellant herein/Principal Secretary to Government in G.O.(2D) No.71, Revenue [Ser 2(1)] Department, dated 06.03.2012 as communicated by the District Registrar, Cheyyar, to the respondent herein on 02.04.2012 and quash the said proceedings.

2. It appears that the respondent herein/writ petitioner was compulsorily retired from service by the impugned order and the compulsory retirement was challenged in the above said writ petition. The learned Single Judge of this Court, by an order dated 07.11.2012 in M.P.No.1 of 2012, passed an interim order directing the appellants herein to settle the terminal benefits that are payable to the respondent herein/writ petitioner on compulsory retirement as per the impugned order, if the same are not already paid, within a period of four weeks from the date of receipt of copy of that order. However, since the criminal case initiated against the respondent herein/writ petitioner is now pending before the learned Chief Judicial Magistrate-cum-Special Judge, Chengalpattu in Spl.Case No.9 of 2005, the Government has not settled the amount as directed by the learned Single Judge and as against the said interim order, the Government has come up with the above writ appeal.

3. However, during the pendency of the writ appeal, the Government has passed G.O.(2D) No.252, Revenue [Ser 2(3)] Department, dated 11.08.2016, wherein, it is stated that the Government have subsequently examined the case under Rule 39 of the Tamil Nadu Pension Rules, 1978 and have decided to grant Compulsory Retirement Pension of Rs.4,650/- as against the pension of Rs.6,975/- as penalty consequent on the Compulsory Retirement imposed against the writ petitioner and ordered accordingly, subject to outcome of the Writ Appeal filed by the Inspector General of Registration, Chennai - 28 in the High

Court of Madras against the orders passed in W.P.No.11564 of 2012.

4. Since the main writ petition challenging the compulsory retirement is pending before the learned Single Judge, accordingly the factum of payment of pension as per the Tamil Nadu Pension Rules in respect of compulsory retirement, we recorded the same and dispose of the writ appeal with a request to the learned Single Judge to take up the writ petition and dispose of it at the earliest. The parties are required to make a mention before the learned Single Judge to take up the writ petition at the earliest.

5. With the above observations, the Writ Appeal is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jrl
To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Department of Revenue,
Fort St. George,
Chennai - 9.
2. The District Revenue Officer,
Kancheepuram District,
Kancheepuram.
3. The Inspector General of Registration,
Santhome High Road,
Chennai - 4.

copy to

The Section Officer
Writ Section
High Court, Madras

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+lcc to Mr.M.Sriram Advocate sr 81399
+lcc to the Govt Pleader sr 81525

W.A.No.1043 of 2013

gjII(co)
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