

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.28541 of 2017

and

WMP.No.30675 of 2017

A.Asokan .. Petitioner

-vs-

1. State of Tamil Nadu rep.by its
Secretary to Government
Revenue and Disaster Management Department
Secretariat
Chennai 600 009

2. Principal Secretary/Commissioner of
Revenue Administration
Chepauk
Chennai 600 005

3. District Collector
Nagapattinam District, Nagapattinam

4. District Collector
Thiruvarur District
Thiruvarur .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in G.O.(2D) No.284, Revenue and Disaster Management Department dated 26.09.2017 and G.O.(2D) No.287, Revenue and Disaster Management Department dated 28.09.2017 and quash the same and direct the respondents to settle all the terminal and pensionary benefits allowing the petitioner to retire from service and confer all the consequential benefits.

For Petitioner :: Mr.P.Ganesan for M/s.C.S.Associates

For Respondents:: Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

This Court is not inclined to entertain the writ petition, since the petitioner has been retained in service in view of the pendency of the criminal case registered against him vide the

First Information Report dated 12.10.2015 for the offence under Sections 468, 471, 477A & 409 of IPC read with Section 13(2) and 13(1)(c) of the Prevention of Corruption Act on the file of the Vigilance and Anti-Corruption Department, Nagapattinam. However, the learned counsel for the petitioner, restricting his claim, requested this Court to direct the respondents to disburse a part of the retiral benefits of the petitioner, namely, his contribution to the General Provident Fund, Special Provident Fund and encashment of earned leave.

2. While dismissing this writ petition, the petitioner is permitted to make a representation to the respondents seeking the aforementioned retiral benefits within one week from the date of receipt of a copy of this order and if such a representation is made, the respondents are directed to consider and disburse the petitioner's contribution towards General Provident Fund, Special Provident Fund and encashment of earned leave within a period of four weeks thereafter. Consequently, W.M.P.No.30675 of 2017 is also dismissed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Revenue and Disaster Management Department
Secretariat
Chennai 600 009

2. The Principal Secretary/Commissioner of
Revenue Administration
Chepauk
Chennai 600 005

3. The District Collector
Nagapattinam District
Nagapattinam

4. The District Collector
Thiruvavarur District, Thiruvavarur

+1cc to Mr.P.Ganesan, Advocate for M/s.C.S.Associates,
SR.No.79086/2017

+1cc to Government Pleader Sr.No.79314/2017

W.P.No.28541 of 2017

sm:27.11.2017