



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.13461 of 2014

K.Chidambaram

... Petitioner

-Vs-

1. The Secretary to Government,
Tourism, Culture, Hindu Religious
Endowment Department,
Secretariat, Chennai-9.
2. The Commissioner,
Hindu Religious and Charitable Endowment,
Uthamar Gandhiadigal Salai,
Nungambakkam High Road,
Chennai-34.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli-2.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to dispose of the representations sent by the petitioner dated 01.06.2014 and 18.06.2014 within the time to be stipulated by this Court.

For Petitioner : Mr.V.K.Vijayaragavan

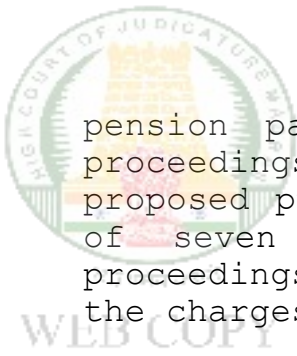
For Respondent : Mr.S.Kumar

Additional Government Pleader

O R D E R

The prayer in this writ petition is only regarding issuance of a writ of mandamus directing the respondents to dispose of the representations sent by the petitioner dated 01.06.2014 and 18.06.2014 respectively, within a time frame stipulated by this Court.

2.The learned counsel for the petitioner would submit that the departmental proceedings are pending before the respondents, in proceedings dated 11.12.2012, in Ir.No.23435/Aa.Ni.12/2008-11 pertaining to the proposed punishment to reduce Rs.200/- in the



pension payable to him for a period of three years and other proceedings No.Ir.No.83755/03-1/L1 dated 01.01.2011, relating to the proposed punishment to reduce Rs.300/- in the pension for a period of seven years. Against the imposition of the departmental proceedings, charges were framed by the respondents, but, none of the charges were proved.

3.The learned counsel for the petitioner would also submit that the temple(s) did not suffer any loss on account of his conduct nor misappropriation of temple fund(s) took place during his tenure and he stated that the petitioner has given a representation to the respondents regarding the said issue and he has submitted that the amount of retirement benefits due to him would be as follows:

Pay arrears/Pension Arrears/Others Benefits

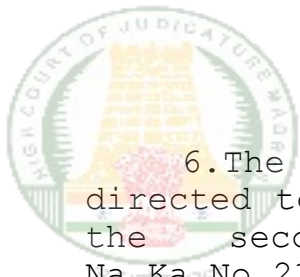
1. Pay Arrears (10.10.2003 to 09.12.2003)	Rs. 30,294/-
Pay for January 2013.	Rs. 13,394/-
2.Pension Arrears (01.02.2003 to 30.01.2013 (deducting the provisional pensions)	Rs.8,51,323/-
3.Gratuity - 15 months (Rs.8,440x 15)	Rs.1,92,435/-
4.Earned Leave (240 days)	Rs.1,26,321/-
5.Unearned leave (90 days)	Rs. 38,487/-
6.Commuted Pension	Rs.1,76,870/-
7.G.P.F.10% balance amount	Rs. 80,000/-

	Rs.15,05,124/-
Interest @ 7½ % p.a for 10 years (approximately)	Rs. 6,81,745/-

Total	Rs.21,90,869/-

4.The said numerous representations made to the first respondent are pending and till date, there was no action taken. The petitioner sent his final representation to the first respondent on 14.06.2013, and no action was taken by the first respondent. Hence, he filed a Writ Petition in W.P.(MD)No.342 of 2014 before this Court. This Court, by order dated 08.01.2014, directed the first respondent to consider the petitioner's representation and pass orders within a period of twelve weeks from the date of receipt of copy of this order. Even after receiving the said order of this Court, no order has been passed by the first respondent.

5.While so, as per letter No.7829/A.Nil.2/2013-1 dated 08.05.2014, the first respondent has observed that the issue has been referred to obtain the concurrence of the Tamil Nadu Public Service Commission(TNPSC) for the punishment proposed against him. The first respondent observed in the said letter that final order would be passed after obtaining necessary concurrence from the Tamil Nadu Public Service Commission, and thereafter only, the terminal benefits would be paid.



6.The above letter of the first respondent dated 08.05.2014 was directed to be issued through the second respondent and accordingly the second respondent, as per the proceedings in Na.Ka.No.21824/08/L1 dated 13.05.2014 informed the same. Though the petitioner attained superannuation on 31.01.2004 and he was allowed to retire from service, the proceedings initiated against him did not end within a reasonable time.

7.The learned counsel for the petitioner would further submit that without prejudice to the contention of the petitioner and the outcome of disciplinary proceedings, he may be paid the benefits due to him and in this regard, the petitioner has also given representations dated 01.06.2014 and 18.06.2014 to the second respondent to give direction to his subordinates to forward the pension papers to the office of the Accountant General at Chennai. On 21.05.2014, the petitioner requested the third respondent to regularize the period of service between 10.11.2003 and 31.01.2004 and also requested him to pay salary, dearness allowance, gratuity, commuted pension, leave salary both earned and unearned, pension arrears, actual lawful pension and other claims. However, the same has not been considered. Hence, the petitioner has come up with this Writ Petition, for the relief stated earlier.

8.The learned Government Advocate appearing for the respondents, relying on the counter affidavit, would submit that all the papers relating to the disciplinary proceedings initiated against the petitioner are pending consideration before the concerned authorities.

9.On a perusal of the records available, it is seen that the second respondent herein has already passed an order dated 17.04.2015, confirming the order of recovery of Rs.300/- for a period of seven years from the pensionary benefits of the petitioner and as against the said order, the petitioner has also filed an appeal before the first respondent and therefore, the prayer sought for herein by the petitioner cannot be granted. However, the respondents are directed to consider the representation of the petitioner relating to the disciplinary proceedings initiated against him and pass orders within a period of eight weeks from the date of receipt of a copy of this order.

10.The Writ Petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary to Government,
Tourism, Culture, Hindu Religious
Endowment Department,
Secretariat, Chennai-9.

2. The Commissioner,
Hindu Religious and Charitable Endowment,
Uthamar Gandhiadigal Salai,
Nungambakkam High Road,
Chennai-34.

3. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tirunelveli-2.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 92490

+ 1 CC TO Mr.V.K.VIJAYARAGHAVAN, ADVOCATE IN SR No. 92256

DAS

TE/JC/SAR-3 : 07/02/2018 : 4P/6C

W.P. (MD) No.13461 of 2014
12.12.2017