



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.07.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.A.[MD].No.912 of 2017
and
C.M.P.[MD]No.6114 of 2017

1. The Government of Tamil Nadu,
Rep.by Secretary,
Rural Development and Panchayat Raj Department,
Fort. St. George, Chennai.
2. The District Collector,
Madurai District, Madurai. ... Appellants/Respondents 1&2

Vs.

1. N.Nallalagu ... 1st Respondent/Writ Petitioner
2. The Accountant General,
O/o. The Principal Accountant General,
No.361, Anna Salai,
Chennai 600 018. ... 2nd Respondent/3rd Respondent

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 19.01.2017 passed in W.P(MD).No.9780 of 2012.

Prayer in WP(MD). 9780/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the respondents to regularize the Suspension period of the Petitioner from 08-07-1996 to 31-03-1998 and pay the regular Pension along with the DCRG and the commutation of Pension and all other Pension benefits with interest at the rate of 18% per annum.

For Appellants : Mr.T.S.Mohamed Mohideen, AGP
For Respondents : No Appearance

**JUDGMENT**

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

The Government of Tamil Nadu is on appeal, questioning the order dated 19.01.2017, passed in the writ petition WP(MD)No.9780 of 2012, filed by the first respondent herein.

2.The first respondent herein had filed the said writ petition seeking regularization of his suspension period from 08.07.1996 to 31.03.1998 and for disbursement of his regular pension along with other benefits.

3.The first respondent/writ petitioner was working as Block Development Officer at Usilampatti Panchayat Unit in the year 1996. He was suspended from service on the ground that disciplinary proceedings were contemplated against him.

4.The first respondent/writ petitioner reached the age of superannuation on 31.03.1998. Vide G.O.(D).No.608 dated 09.07.2004, the Government dropped further action against the first respondent/writ petitioner in respect of the allegations made against him. Even though, several years passed by, in view of the pendency of the audit objections, the writ petitioner was neither disbursed with the benefits nor his suspension period regularized. In these circumstances, WP(MD)No.9780 of 2012 came to be filed.

5.The learned single Judge noted that even though disciplinary proceedings were initiated, the Government had dropped further action in July 2004. The first respondent/writ petitioner reached the age of superannuation in the year 1998 and we are now in the year 2017. More than 19 years have lapsed. During this interregnum period, the order of suspension was also quashed by the Tribunal. Therefore, there is no justification for non-regularization of the suspension period. In those circumstances, the writ petition was disposed of with the following directions:

"(i) That the respondents shall regularize the suspension period of the petitioner from 08.07.1996 to 31.03.1998 and if any salary is due for the said period apart from subsistence allowance if any paid for the said period, after deducting the same, the salary due to the petitioner shall be paid to the petitioner.

(ii) That DCRG and commutation of pension and all other pension benefits shall also be calculated and arrears of the same shall also be paid to the petitioner.

(iii) That further pension apart from minimum pension being paid to the petitioner as claimed by the learned Additional Government Pleader, shall also be paid to the petitioner.

(iv) The aforesaid directions shall be complied with



by the respondents within a period of eight weeks from the date of receipt of a copy of this order. Within the said time, if the directions are not complied with, the petitioner will be entitled to claim 12% interest per annum for the amount to be payable to him till the date of payment. No costs."

8. There is absolutely no merit in this appeal. In fact this writ appeal ought not to have been filed at all. It has been repeatedly observed by the Courts that there should not be any delay in disbursement of retirement and pensionary benefits. The Government cannot delay these matters indefinitely.

9. In any event, 19 years is a too long period and it is time that the entire issue is given a quietus. This writ appeal deserves to be dismissed and it is accordingly dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Protocol)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort. St. George, Chennai.
2. The District Collector,
Madurai District, Madurai.
3. The Accountant General,
O/o. The Principal Accountant General,
No.361, Anna Salai,
Chennai 600 018.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 64435

GK

TE/JC/SAR-II : 19/07/2017 : 3P/5C

W.A.[MD].No.912 of 2017 and
C.M.P.[MD]No.6114 of 2017
06.07.2017