



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.14878 of 2017

R.Nallusamy

... Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent ie., the Secretary to Government, Revenue Department, Chennai to pass appropriate orders on the petitioner's representation dated 03.07.2017 which is covered by the reference sent by the second respondent ie., the Commissioner of Revenue Administration, Chennai in his letter No.R.C.Ser.4(3)22848 / 2008 dated 11.06.2009, on merits and in accordance with law within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingham
For Respondents : Mr.K.Guru
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition itself is taken up for final disposal.

2.The petitioner was appointed as an Office Assistant on 13.09.1971, which was ratified by the Revenue Divisional Officer, Ramanathapuram vide proceedings dated 27.10.1979. In the meanwhile, he was promoted as Jeep Driver and joined duty on 08.06.1979. Later, proposals were also sent to the Government for



regularizing his service by relaxing Rule 4-A and 5 (1) of the Tamil Nadu Basic Service Rules.

3. While the petitioner was working in the said post, he reached the age of superannuation on 30.04.2008. On the same day, a proceeding, A-5/10351/2008 was passed, not permitting him to retire from service and thereupon he was placed under suspension and retained in service as per Rule 56 (c) (1) of the Fundamental Rules. The said order of suspension was passed on the ground that a criminal case in Crime No.108 of 2007 dated 26.02.2007 had been registered against the petitioner on the file of Kenikarai Police Station situated at Ramanathapuram Town.

4. The learned counsel for the petitioner would submit that the above case relates to his son Karthick, who married one Saranya who had committed suicide. The said criminal case also came to be dismissed on 08.08.2016 by the Additional District / Sessions Judge, Fast Track Mahila Court, Ramanathapuram, holding that the accused are not found guilty under Sections 341, 323, 366, 506 (1), 306 of IPC and they are acquitted under Section 235 (1) of Cr.P.C.

5. In spite of the dismissal of the Criminal case, the respondents have not come forward to revoke the order of suspension dated 30.04.2008, so as to enable the petitioner to receive Pension and other retiral benefits. Therefore, the petitioner had given a representation dated 03.07.2017, which is still pending.

6. The learned Additional Government Pleader sought time to consider the pending representation of the petitioner. Since the criminal case registered against the petitioner and his son Karthick came to be dismissed by the Fast Track Mahila Court on 08.08.2016, the respondents are hereby directed to consider the pending representation of the petitioner and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,

<https://hcservices.ecourts.gov.in/hcservices/>

Revenue Department,

Secretariat, Chennai - 600 009.



2.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 72028
+1cc to Mr.S.VISVALINGAM Advocate in SR. No. 71457

MR/MRN
JS/SKN.RSK/SAR.2/27.09.2017/3P-6C

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