



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.1883 of 2017

WEB COPY

V.Thamarakki

...Petitioner

-Vs-

1.The Secretary to Government,
Home Department(Transport)
Secretariat, Chennai-9.

2.The Transport Commissioner,
Chepauk,
Chennai-5

3.The Regional Transport Officer,
Sivagangai.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to pass orders on the petitioner's representation dated 02.01.2017 and sanction all monetary benefits such as pension, commutation of pension, gratuity, special provident fund, encashment of leave salary and all other terminal benefits within the stipulated time as fixed by this Court.

For Petitioner : Ms.K.Muthumalai

For Respondent 1 : Mr.K.Guru,

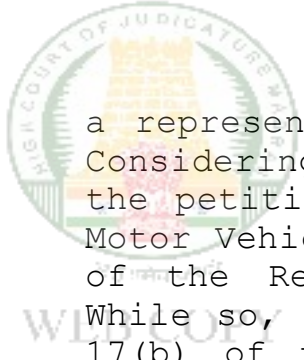
Additional Government Pleader

For Respondents 2 & 3 : No Appearance

O R D E R

The prayer in this writ petition is for issuance of a Writ of Mandamus, to direct the second respondent to pass orders on the petitioner's representation dated 02.01.2017 and sanction all monetary benefits such as, pension, commutation of pension, gratuity, special provident fund, encashment of leave salary and all other terminal benefits within a stipulated time to be fixed by this Court.

2.The Petitioner was placed under suspension by order dated 10.07.2008 in contemplation of enquiry in respect of theft of Government money. Along with the petitioner, cashier and the Accountant were also placed under suspension. The petitioner made



a representation to the respondent for revocation of suspension. Considering his request, the order of suspension was revoked and the petitioner was posted as Night Watchman in the office of the Motor Vehicle Inspector (Unit Office) Karaikudi, under the control of the Regional Transport Office, Sivagangai from 24.10.2008. While so, the petitioner was served with a charge memo under Rule 17(b) of the Tamil Nadu Civil services (Discipline and Appeal) Rules by the respondent in his Memo Proc.R.No.40160/VA2/2008 dated 23.10.2008.

3.Although the petitioner has given his explanation denying the charges on 21.12.2008, the Enquiry Officer who enquired the charges levelled against the petitioner completed the enquiry and submitted his report on 19.12.2010 holding the charges as proved. In the meanwhile, the petitioner attained the age of superannuation on 30.06.2010 and he was not permitted to retire, in view of the pendency of the departmental proceedings. However, the petitioner was again placed under suspension with effect from 28.06.2010.

4.Finally considering the nature of the charges framed against the petitioner, his defence statement and the report of Enquiry Officer, the Government have issued G.O.(D)No.533 Home (Transport-II) Department dated 17.07.2015, stating that the period of suspension of the petitioner i.e., from 10.07.2008 to 24.10.2008 be treated as substantive punishment for the proven charge.

5.On the basis of above said G.O.(D)No.533 Home (Transport-II) Department dated 17.07.2015, the petitioner made representation to the 1st respondent on 24.02.2016, to revoke the suspension order dated 28.06.2010 and to permit him to retire from service with effect from 30.06.2010 and also to sanction all monetary benefits such as, pension, commutation of pension, gratuity, special provident fund, encashment of leave salary and all other terminal benefits. On receipt of said representation and keeping in mind, G.O.(D)No.533 Home (Transport-II) Department dated 17.07.2015 that the period of suspension of the petitioner from 10.07.2008 to 24.10.2008 be treated as substantive punishment, the second respondent vide order dated 23.04.2016 revoked the order of suspension and permitted him to retire from service on 30.06.2010.

6.Now, it is the grievance of the petitioner that his representation dated on 02.01.2017, seeking to sanction pension, commutation of pension, gratuity, special provident fund, encashment of leave salary and all other terminal benefits has not been till date considered.

7.Mr.K.Guru, learned Additional Government Pleader who takes notice for the respondents sought sufficient time to the respondents to pass orders on the representation of the petitioner dated 02.01.2017.



8. Recording the said submission of the learned Additional Government Pleader, this Court directs the respondents to pass order on representation of the petitioner dated 02.01.2017 seeking to disburse all the benefits payable to him, in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

TO

1. The Secretary to Government,
Home Department (Transport)
Secretariat, Chennai-9.

2. The Transport Commissioner,
Chepauk, Chennai-5.

3. The Regional Transport Officer,
Sivagangai.

+1cc to M/S.K.MUTHUMALAI, Advocate SR.No.64798

+1cc to Special Government Pleader, SR.No. 64978

MRN/SMI/CMR

MAS/MR-KKR/SAR1:03.11.2017:3P-6C

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