



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2017

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.21767 of 2016

and

W.M.P(MD) Nos.15565 and 15566 of 2016

D.Krishnamoorthy

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Principal Secretary to Government,
Public(law and Order)Department,
Fort St.George,Chennai - 600 009.

2.The Director General of Police-cum-
Chief of Prison Department,
Egmore, Chennai - 600 008.

3.The Superintendent of Prison,
Central Jail,Trichy-30.

4.The Accountant General(A & E) of Tamil Nadu,
Anna Salai,
Teynampettai,
Chennai - 600 018.

5.The Treasury Officer,
Trichy.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the order No.282/Ki.C.U/2016, dated 29.7.2016 passed by the third respondent and to quash the same and consequently to direct the respondents to disburse the pensionary benefits to the Petitioner and sanctioned in the fourth respondent's proceedings dated 1.6.2016 along with interest for gratuity and communication amount at 12% per annum from 1.5.2011 to the date of disbursement within the time limit fixed by this Court.

For Petitioner : M/s.B.Karunanithi

For Respondents : Mr.M.Rajarajan

For Respondent-3 and 5 : Government Advocate

For Respondent-4 : Mr.P.Gunasekaran

**O R D E R**

This writ petition has been filed, seeking for issuance of a writ of Certiorarified Mandamus calling for the records relating to the order No.282/Ki.C.U/2016, dated 29.7.2016 passed by the third respondent and to quash the same and consequently to direct the respondents to disburse the pensionary benefits to the Petitioner and sanctioned in the fourth respondent's proceedings dated 1.6.2016 along with interest for gratuity and communication amount at 12% per annum from 1.5.2011 to the date of disbursement within the time limit fixed by this Court.

2.Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents 1 to 3 and 5 and Mr.P.Gunasekaran, learned counsel takes notice for the fourth respondent. By consent of both parties, the main Writ Petition is taken up for final disposal.

3.It is not in dispute that the punishment order imposed was set aside by this Court and in view of the same, the Petitioner is entitled to all the terminal benefits including DCRG. Unfortunately, a sum of Rs.1,50,000/- towards terminal benefits has not been paid to the Petitioner. Either withholding of the charge or not disbursing the terminal benefits to the Petitioner is bad in law.

4.The Petitioner has submitted that once the punishment order is set aside, he is entitled to all the benefits, as if no charge is pending against him. In view of the order being set aside, even though the learned Government Advocate has been instructed to file a review on 09.12.20216, as the respondent did not proceed further, the act of the respondent in not releasing a sum of Rs.1,50,000/- to the Petitioner is not correct. Hence the respondents are directed to release a sum of Rs.1,50,000/- towards terminal benefits, within one month from the date of receipt of a copy of this order. In case, the respondents fails to release the amount within one month, from the date of receipt of this order, the amount would fetch interest at 12% p.a and interest portion payable to the Petitioner can be recovered from the officers concerned.

5.With the above directions, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition are closed. No costs.

Sd/-

Assistant Registrar(CS-II)

Sub Assistant Registrar



To:

- 1.The State of Tamil Nadu,
represented by its Principal Secretary to Government,
Public(law and Order)Department,
Fort St.George,Chennai - 600 009.
- 2.The Director General of Police-cum-
Chief of Prison Department,
Egmore, Chennai - 600 008.
- 3.The Superintendent of Prison,
Central Jail,Trichy-30.
- 4.The Accountant General(A & E) of Tamil Nadu,
Anna Salai,
Teynampettai,
Chennai - 600 018.
- 5.The Treasury Officer,
Trichy.

+1 cc to MR.B.KARUNANITHI, Advocate SR.No.334

+1 cc to MR.P.GUNASEKARAN, Advocate SR.No.446

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