

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.24682 of 2013

ORDER:

Heard.

2. The present Writ Petition came to be filed seeking issuance of writ of mandamus directing respondent Nos.2 to 4 not to allow respondent No.5 to retire under voluntary retirement scheme as there are criminal cases pending against respondent No.5 or alternately stop the retirement benefits.

3. The petitioner herein is the wife of respondent No.5. It is stated that their marriage took place on 13.11.2010 in the presence of elders. It is stated that believing the deceitful words of respondent No.5, the petitioner sold away her immovable properties and gave about Rs.15 lakhs to respondent No.5. When the petitioner came to know about false representations made by respondent No.5, she lodged a report, which lead to registering of a case in crime No.696 of 2012, for the offences punishable under Sections 420 and 498-A of IPC against respondent No.5. It is stated that respondent No.5 was arrested and released on bail. Subsequently, the petitioner made a representation to respondent No.4, narrating the allegations levelled against the respondent No.5 and also requested him to take disciplinary action under C.C.A. Rules. After conducting enquiry, respondent No.3 suspended respondent No.5 vide proceedings dated 21.12.2012. Aggrieved by which, respondent No.5 filed O.A.No.151 of 2013 and the same was allowed by an order dated 04.01.2013, setting aside the proceedings dated 21.12.2012. Since then, respondent No.5 has been continuing in service as Senior Assistant in the office of respondent No.3. It is stated that, on coming to know that respondent No.5 is trying to take voluntary retirement by giving his post to his son, the petitioner made a representation to respondent No.3 asking him not to allow respondent No.5 to

avail V.R.S as there are criminal cases pending against him. Apprehending that respondent No.3 would allow respondent No.5 to take V.R.S, the present writ petition came to be filed.

4. It is to be noted that though the writ petition is filed in the month of August, 2013, till date even notice was not ordered in the writ petition. Learned counsel for the petitioner mainly submits that in view of pendency of criminal cases against respondent No.5, the petitioner cannot be permitted to seek voluntary retirement. But, he is not in a position to state whether the representation made by the petitioner is pending consideration. Be that as it may, admittedly a criminal case is pending against respondent No.5, which was registered for offences punishable under Sections 498-A and 420 of IPC, which is an outcome of a matrimonial dispute. Therefore the question involved is whether respondent No.5 can be permitted to avail benefit under V.R.S. Admittedly, a representation was made by the petitioner on 29.04.2013 to respondent No.3 demanding him not to allow respondent No.5 to avail V.R.S. If respondent No.5 has not availed the benefit under voluntary retirement scheme till date, respondent No.3 shall consider the representation made by the petitioner and dispose of the same in accordance with law, at the earliest, after hearing all concerned.

5. Accordingly, the writ petition is disposed of. No costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

20.04.2017
vhb