

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2018

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.31410 of 2006
and M.P.No.1 of 2007

T.N.Sankarasundaram

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. By the Secretary to Government,
Information and Tourism Development
Department, Fort St. George,
Chennai - 600 009.
 2. The Director of Stationery and Printing,
Stationery and Printing,
Anna Salai, Chennai - 600 002.
 3. The Special Commissioner/Commissioner
Stationery and Printing,
Anna Salai, Chennai - 600 002.
- ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in connection with the order issued in Letter No.E2/56203/2005, dated 06.02.2006 and quash the same, and directing the third respondent to pay all monetary towards DCRG arrears and other benefits.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.K.Ravikumar

Additional Government Pleader

O R D E R

This Writ Petition has been filed to call for the records of the third respondent in connection with the order issued in Letter No.E2/56203/2005, dated 06.02.2006 and quash the same, and to direct the third respondent to pay all monetary benefits towards DCRG arrears and other benefits.

2. The case of the petitioner is that he was initially selected for appointment to the post of Technical Assistant by direct recruitment on merits and joined the service on 18.04.1958.

Thereafter, he was promoted as Assistant Works Manager through the Tamilnadu Public Service Commission by way of direct recruitment on merits and joined the service on 26.09.1969. Subsequently, he was promoted as Deputy Works Manager on 07.07.1976 and then promoted as Works Manager on 18.03.1991. Thereafter, the petitioner was finally retired from service on 13.11.1996.

3. The dispute in between the petitioner and the third respondent is that the petitioner made a request to the third respondent seeking to calculate the interest on 60% arrears with effect from 01.04.1998. But, the third respondent has rejected the said request, on the ground that departmental proceedings had been initiated against the petitioner, imposing a penalty token cut of Rs.100/- from pension for one month. As against the order of the third respondent, the present Writ Petition has been filed by the petitioner.

4. The learned counsel for the petitioner would submit that the the third respondent, without affording any opportunity to the petitioner to prove his case, has rejected the request made by the petitioner.

5. On perusal of the counter affidavit filed on behalf of the respondents, it disclose that the Government of Tamilnadu have prescribed a rate of interest for each year from 1998 - 2004 on the impounded Death-cum-Retirement Gratuity. In the case of the petitioner, the Government clarified that so long as the disciplinary action is pending against him, he is not entitled for the interest on the impounded Death-cum-Retirement Gratuity till the conclusion of the said disciplinary proceedings.

6. As per the above said Government Order, the petitioner is not entitled for 60% DCRG arrears from 01.04.1998 as he prayed for since the departmental proceedings is pending against him. Therefore, his request was rejected by the third respondent.

7. On a perusal of the material records discloses that the department initiated disciplinary proceedings against the petitioner under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on the ground that the petitioner was un-authorisedly absent from 25.01.1996 to 30.08.1996. Thereafter, the disciplinary authority imposed the punishment of a token cut of Rs.100/- for one month in the pension. Thereafter, the respondents regularised the said period from 25.01.1996 to 30.08.1996 as extraordinary leave without pay under Section 85(b) of the Fundamental Rules. Aggrieved by the same, the petitioner filed original application in O.A.No.1112 of 2004 before the Tamil Nadu Administrative Tribunal and the Tribunal vide order dated 22.03.2004 categorically held that the petitioner had not worked anywhere in pursuance of the order of transfer to Madurai.

8. The departmental proceedings against the petitioner concluded in the year 2001 and the interest on the impounded Death cum Retirement Gratuity was calculated from the year 2001 to 31.03.2004. Hence, the request of the petitioner to grant him interest on the impounded Death cum Retirement Gratuity from 1998 is un-sustainable since the departmental proceedings concluded only in the year 2001.

9. On perusal of the impugned order and the counter affidavit, i do not find any merit in the Writ Petition. Accordingly, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

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To

1. The Secretary to Government,
State of Tamilnadu,
Information and Tourism Development Department
Fort St. George, Chennai - 600 009.
2. The Director of Stationery and Printing,
Stationery and Printing,
Anna Salai, Chennai - 600 002.
3. The Special Commissioner/Commissioner
Stationery and Printing,
Anna Salai, Chennai - 600 002.

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 30377

NRJK (CO)
JK 18/05/18

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