

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.49973 of 2006

P.Ramalingam

... Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
St.George Fort,
Chennai - 600 009.

2.The District Collector,
Thiruchirapalli.

3.The Schedule Caste and Schedule Tribe
Welfare Officer,
Thiruchirapalli District.

4.The Special Commissioner and Commissioner of
Revenue Administration
Ezilagam, Chennai - 5.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to disburse the retirement and pensionary benefits admissible to the petitioner with interest.

For Petitioner : Mr.N.Nithianandam

For Respondents: Mr.K.Ravikumar
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to disburse the

retirement and pensionary benefits admissible to the petitioner with interest.

2.The case of the petitioner is that the petitioner retired on 31.01.2006 as Special Tahsildar Land Acquisition. While the petitioner was working as Zonal Deputy Tahsildar in Trichy Taluk Office, one P.Srirangan applied for community certificate for which, the petitioner recommended that the said P.Srirangan belongs to Kattunayakan community based on the report of Village Administrative Officer. However, the fourth respondent has issued a charge memo dated 28.07.2005 on the ground that the petitioner has falsely given report as if the said P.Srirangan belongs to Kattunayakan community.

3.It is the further case of the petitioner that after receipt of the charge memo, the petitioner has submitted a detailed reply based on which a domestic enquiry was conducted and the Enquiry Officer also submitted his report on 26.12.2005. No final order was passed in the above departmental proceedings, however, the petitioner was allowed to retire from service without prejudice to the departmental proceedings. Though more than ten months have elapsed from the date of retirement, the respondents have not passed any order on the departmental proceedings and retirement benefits have not been settled. Aggrieved by the same, the petitioner has filed this writ petition.

4.It is now represented that during the pendency of the writ petition, the petitioner has passed away.

5.The above facts would reveal that without retaining the petitioner in service as contemplated under Rule 56 (1) (c) of the Fundamental Rules, the respondents have allowed him to retire from service on 31.01.2006 and though enquiry has been conducted, no final order was passed on the departmental proceedings. That apart, as per the Tamil Nadu Pension Rules, departmental proceedings shall not be instituted against the retired Government servant in respect of any event which took place before four years.

6.Considering the above facts, this Court is inclined to issue direction to the respondents. Accordingly, the respondents are directed to settle the retirement benefits due to the petitioner in favour of his legal heirs. Liberty is given to the legal heirs of the petitioner to represent their case within a period of one week from the date of receipt of a copy of this order. The respondents shall settle the petitioner's retirement benefits in favour of his legal heirs, within a period of four weeks thereafter, if there is no other legal impediment.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Revenue Department,
St.George Fort,
Chennai - 600 009.
- 2.The District Collector,
Thiruchirapalli.
- 3.The Schedule Caste and Schedule Tribe
Welfare Officer,
Thiruchirapalli District.
- 4.The Special Commissioner and Commissioner of
Revenue Administration
Ezilagam, Chennai - 5.

+1cc to Mr.N.Nithianandam, Advocate sr.no.46066

+1cc to Government Pleader in sr.no.47052

सत्यमेव जयते

W.P.No.49973 of 2006

cnr(co)
nr 09/08/2018

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