

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33456 of 2018

A.Arulchelvan

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Petitioner

Vs

- 1.The Government of Tamilnadu represented
by the Secretary to the Government,
Revenue Department, Fort St.George,
Chennai-600 009.
- 2.The Commissioner of Revenue Administration,
Chepauk, Chennai-600005.
- 3.The Revenue Divisional Officer,
Nagapattinam, Nagapattinam District. .. Respondents

For Petitioner : M/s.P.Rajendran

For Respondent : Mr.R.S.Selvam, Government Advocate

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to pay interest on the belated payment of retirement benefits with effect from the date of his retirement,namely, 31.01.2006 till the actual date of payment of the said benefits and render Justice.

O R D E R

The petitioner was working as Village Administrative Officer, Kilvelur village, Kilvelur Taluk, Nagapattinam District and he was permitted to retire from service with effect from 31.01.2016 on attaining the age of superannuation without prejudice to the charges pending against him. On 23.01.2016, ie., eight days prior to the date of his retirement, the third respondent issued a charge memo to him under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules,

containing seven charge. On 28.01.2016, the petitioner submitted his explanation to the charges and an Enquiry Officer was appointed to conduct enquiry into the charges. The enquiry officer, by his report dated 22.03.2016, held that the charges against the petitioner were not proved. The petitioner was provided with a copy of the enquiry report on 10.05.2016 and thereafter, no final orders were passed by the respondents.

2. Aggrieved by the same, the petitioner approached this Court by filing W.P.No.43308 of 2016, praying for a direction to the respondents to pass final orders in the disciplinary proceedings pending against him pursuant to the charge memo dated 23.01.2006 and to grant all consequential benefits due to him. This honourable Court, passed an order dated 15.12.2016, directing the respondents to pass final orders in the disciplinary proceedings pending against the petitioner, pursuant to the charge memo dated 23.01.2006, within eight weeks from the date of receipt of a copy of the order. Since no orders were passed, the petitioner filed Contempt Petition No.1745 of 2016 and thereafter, the second respondent issued an order dated 03.05.2018, accepted the findings of the enquiry officer and acquitted the petitioner of all the charges framed against him. Based on the said order of the second respondent, the third respondent, in and by his proceedings dated 09.05.2018, allowed the petitioner to retire from service.

3. It is the claim of the petitioner that though he attained the age of superannuation on 31.01.2016, he was allowed to retire only after a period of 2 ½ years on account of the delay in the enquiry proceedings and the passing of the final orders. Due to such huge delay, the retirement benefits of the petitioner was denied to him for several months, which has caused him great hardship. Therefore, the petitioner submitted a representation to the third respondent on 24.10.2018, praying for interest on the belated payment of retirement benefits, which did not evoke any response. Hence, the present writ petition is filed.

4. Mr.R.S.Selvam, learned Government Advocate takes notice on behalf of the respondents.

5. A perusal of the materials placed before this Court would go to show that no charges have been made out as per enquiry report dated 22.03.2016 and therefore, retirement benefits ought to have been granted to the petitioner in time and as the same has not been done, the petitioner has been driven to the extent of filing a writ petition before this Court. The delay on the part of the respondents on and after 22.03.2016 is unjustified.

6. Under the circumstances, the respondents are directed to consider the plight of the petitioner in a proper perspective and pass appropriate orders, granting interest at the rate to be fixed by the authorities, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of in the above terms. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

kst

To

1.The Government of Tamilnadu represented
by the Secretary to the Government,
Revenue Department, Fort St.George,
Chennai-600 009.

2.The Commissioner of Revenue Administration,
Chepauk, Chennai-600005.

3.The Revenue Divisional Officer,
Nagapattinam, Nagapattinam District.

+1cc to M/s.P.Rajendran, Advocate SR.No.88012

+1cc to Government Pleader SR.No.88362

W.P.No.33456 of 2018

AD(CO)
GMY(25/01/2019)