



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.35 of 2017

&

WMP (MD) No.25 of 2017

S.Vadamalu

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to the
Government,
National Highway Department, Chennai-5.

2.The Director General,
Highway Department (Operation & Maintenance),
Guindy, Chennai-32.

3.The Chief Engineer, O/o the Chief Engineer,
National Highways, Madurai, Madurai District.

4.The Divisional Engineer,
O/o the Divisional Engineer,
National Highways, Madurai,
Madurai District.

5.The Superintendent Engineer,
O/o the Divisional Engineer,
National Highways Department,
China Chokkikulam, Madurai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to disburse all the retirement benefits of the petitioner including pension together with 18% interest per annum in conformity with the order passed by the first respondent in his proceedings G.O.(D).No.101, Highways & Minor Ports (HL1) Department, dated 12.07.2010 allowing the petitioner to retire from service.

For Petitioner

: Mr.Mohamed Imran
for Ajmal Associates

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondent

: Mr.J.Gunaseelan Muthaiah,
Addl. Govt. Pleader

O R D E R

The writ petitioner was employed in the Highways Department, Government of Tamil Nadu. He reached the age of superannuation on 30.09.2005. He was then working as Assistant Divisional Engineer. He was however not allowed to retire in view of the pendency of the disciplinary action against him. He was suspended from service vide G.O.(3D).No.136, Highways (HL1) Department, dated 30.09.2005. Subsequently, by G.O.(D)No.101, Highways & Minor Ports (HL1) Department, dated 12.07.2010, the writ petitioner was permitted to retire without prejudice to the disciplinary proceedings pending against him.

2.The writ petitioner was facing two sets of disciplinary action. One ended vide G.O.3(D) No.1, Highways & Minor Ports (HL3) Department, dated 10.01.2011 and the writ petitioner was imposed with a punishment of reduction of his pension by Rs.100/-. Other disciplinary proceeding also ended in a similar punishment vide G.O.(D)No.14, Highways & Minor Ports (HL1) Department, dated 23.01.2012.

3.Even though both the charge memos ended in a punishment as early as in the year 2012, the benefits payable to the writ petitioner have not been disbursed till date. The petitioner is now a senior citizen. It is seen from the typed set of papers that the Secretary to Government, P&AR Department, Chennai vide letter dated 14.06.2016 had forwarded the petitioner's request. In view of the inaction on the part of the respondents, this writ petition came to be filed.

4.It is seen from the materials on record that the writ petitioner reached the age of superannuation in the year 2005 and that all the disciplinary proceedings were initiated against him got concluded in the year 2012 itself. Therefore, there cannot be any impediment for disbursing the petitioner's retiral benefits. The first respondent is therefore directed to disburse all the retiral and other benefits to the writ petitioner on or before 30.04.2018.

5.This writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar



To

1.The Secretary to the Government,
National Highway Department, Chennai-5.

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O/o the Divisional Engineer,
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+1cc to M/S.Ajmal Associates, Advocate SR.No. 42815

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JM/GT/SAR 1/31.01.2018/3P/7C