

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.16202 of 2008

M.Uthirasamy

...Petitioner

Versus

The Chief Secretary to Government,
Public (Special A) Department,
Fort St. George,
Chennai-600 009.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in connection with the impugned order passed by the respondent in G.O. (2D) No.53, Public (Special-A) Department, dated 30.6.2008 and quash the same and direct the respondent to superannuate the petitioner from service.

For Petitioner : Mr.S.Haja Nazirudeen,
Senior Counsel
for Mr.P.Hari Babu

For Respondent : Mr.N.Srinivasan, AGP

O R D E R

The Writ Petition has been directed against the impugned order passed by the respondent in G.O. (2D) No.53, Public (Special-A) Department, dated 30.6.2008, not permitting the petitioner to retire from service as per Rule 56(1)(c) of the Fundamental Rules.

2. When the matter is called, the learned Senior Counsel for the petitioner fairly submitted that the petitioner was placed under suspension on an allegation that he has given false Community Certificate for getting his job. After registering a criminal case in Crime No.8/2000 on the file of the Vigilance and Anti Corruption Department, Dharmapuri, a charge sheet has also been filed before the Chief Judicial Magistrate/Special

Judge, Krishnagiri District on 31.5.2005 and the same was taken on file in C.C.No.123/2006 clearly showing the name of the petitioner as an accused. The said criminal case is still pending. Therefore, instead of quashing of the impugned order, a direction may be issued to disburse the pensionary benefits to the petitioner.

3. Heard the learned Additional Government Pleader appearing for the respondent.

4. Since the criminal case in C.C.No.123/2006 is pending against the petitioner before the Chief Judicial Magistrate/Special Judge, Krishnagiri District from 31.5.2005, this Court is unable to find any merit in the Writ Petition except to give a direction to pay the pensionary benefits, namely, Encashment of Earned Leave and Unearned Leave on Private Affairs, Petitioner's Contribution to General Provident Fund and Family Benefit Fund in the light of the order passed by a Division Bench of this Court in W.A.No.458/2016 dated 13.4.2016 (The District Collector, Tiruvallur District, Thiruvallur vs. T.L.Nageswara Rao), within a period of four weeks from the date of receipt of a copy of this Order.

5. With the above observation and direction, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

TSI

To

The Chief Secretary to Government,
Public (Special A) Department,
Fort St. George,
Chennai-600 009.

+1cc to Mr.P.Hari Babu, Advocate, S.R.No.15455
+1cc to the Government Pleader, S.R.No.16650

W.P.No.16202 of 2008

MG(CO)
CS/04/04/2019