

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.25644 of 2009 and MP 2 of 2009

A.Rajendran

.. Petitioner

-vs-

1. The Government of Tamil Nadu
rep.by its Secretary to Government
Environment and Forest Department
Secretariat
Chennai 600 009
2. The Principal Chief Conservator of Forests
Chennai 600 015
3. The District Forest Officer
Tirupattur Division
Tirupattur, Vellore District
4. The Accountant General (A&E)
Tamil Nadu
Chennai 600 018 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the respondents second and third in connection with the impugned orders issued by them in (i) Na.Ka.No.Na.2/32536/98 dated 08.10.1998 of the second respondent (ii) Na.Ka.No.Na.1/56889/2008 dated 06.10.2009 of the second respondent and (iii) Na.Ka.No.3398/99/Pa.3 dated 03.11.1999 of the third respondent and quash the same and issue consequential directions to the respondents to disburse all the retirement and pensionary benefits due and payable to the petitioner with 18% interest on the delayed payments within a limited time frame.

For Petitioner :: Mr.M.Ravi

For Respondents :: Ms.Thangavadana Balakrishnan
Additional Government Pleader
for R1 to 3
Mr.P.Mano Rajan for
Mr.T.Ravikumar
Standing Counsel for R4

ORDER

This writ petition has been filed challenging the three proceedings in (i) Na.Ka.No.Na.2/32536/98 dated 08.10.1998 of the second respondent (ii) Na.Ka.No.Na.1/56889/2008 dated 06.10.2009 of the second respondent and (iii) Na.Ka.No.3398/99/Pa.3 dated 03.11.1999 of the third respondent, quash the same with a consequential direction to the respondents to disburse all the retirement and pensionary benefits due and payable to the petitioner with 18% interest on the delayed payments within a limited time frame..

2. Learned Additional Government Pleader for the respondents 1 to 3 stated that the present writ petition has become infructuous as, even without knowing the order passed by this Court on 2.12.2008 in W.P.No.40648 of 2006 setting aside the order dated 3.11.99, the present writ petition should not have been filed. Adding further, the learned Additional Government Pleader submitted that the recovery proceedings dated 30.3.2009 and 19.12.2009 issued by the third respondent stood cancelled by the order dated 16.2.2010, as could be seen from paragraph-10 of the counter affidavit, which is given as under:-

"10....The 2nd respondent in C.No.Na1/5688/08 dated 06.10.09 directed that the recovery of the excess pay granted should be from the date on which the petitioner was appointed as Junior Assistant instead of from the date as which he was promoted as Superintendent. Accordingly, the 3rd respondent issued a revised proceedings in No.14096/99.pa 2 dated 19.12.09 to recover the excess payment of Rs.50,659/- made to the petitioner. However the recovery orders issued by the third respondent in his proceedings No.14096/99 E2 dated 30.03.2009 and 19.12.2009 were already cancelled in the proceedings No.14096/99 E2 dated 16.02.2010 of the third respondent and the petitioner has also acknowledged the same by his letter dated 24.02.2010."

The learned Additional Government Pleader also submitted that though an amount of Rs.50,569/- was deducted vide receipt No.42274 dated 5.1.2010, subsequently, based on the orders of this Court dated 2.12.2008, the amount recovered from the petitioner was also returned to the petitioner vide the proceedings dated 28.4.2010 of the Conservator of Forests, Vellore. Therefore, as on today, there is no due payable to the petitioner and all the pensionary benefits were settled to him. Finally, producing the proceedings dated 14.2.2019 issued by the District Forest Officer, Tirupattur Division to the Special

Government Pleader, Forest Cases, High Court, the learned Additional Government Pleader submitted that nothing survives in the matter.

3. The learned counsel for the petitioner also has no objection for closing the writ petition.

4. In view of the above, the writ petition stands closed, as nothing survives in the matter. Consequently, M.P.No.2 of 2009 is also closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Environment and Forest Department
Secretariat
Chennai 600 009
2. The Principal Chief Conservator of Forests
Chennai 600 015
3. The District Forest Officer
Tirupattur Division
Tirupattur, Vellore District
4. The Accountant General (A&E)
Tamil Nadu
Chennai 600 018

+1cc to Mr.T.Ravikumar, Advocate SR.No.15066

+1cc to Government Pleader SR.No.15301

W.P.No.25644 of 2009

NRL(CO)
GMY(12/03/2019)