

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition No.10206 of 2018 and
W.M.P.No.12137 of 2018

1. The Secretary [Forest and Agriculture]
Chief Secretariat,
Government of Puducherry
Puducherry
2. Additional Director of Agriculture (T&V)
O/o the Additional Director of Agriculture,
Thattanchavady, Puducherry - 605 001 ...Petitioners

Vs.

1. The Registrar
The Central Administrative Tribunal,
Chennai
K. Kalaiselvi (Died)
2. C.Gnanaraja
3. C.Chandrakala
(Respondents 2 and 3 are legal heirs of
K.Kalaiselvi (deceased) ... Respondents

Writ Petition filed under Article 226 Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to the part of the order passed in O.A.No.322/2016, dated 23.06.2016 on the file of the 1st respondent in so far as that the petitioners are directed to pay the DCRG amount of Rs.4,07,383/- of the deceased employee to the 2nd and 3rd respondent's mother within a period of three months from the date of receipt of the order and quash the same.

For Petitioner : Mr.R.Syed Mustafa

For Respondents: Mr.S.Mahesh for
M/s V.Vijayashankar

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.,)

The original application filed by Tmt.K.Kalaiselvi, since deceased, claiming retirement benefits due to her husband was allowed by the Tribunal. The said order is under challenge at the instance of the State.

2. The father of respondents 2 and 3 by name Thiru.K.Chandrasekaran was an employee of agricultural department, Puducherry. He was placed under suspension pending initiation of disciplinary proceedings. The suspension was by an order dated 04.02.2009. Subsequently, Thiru.K.Chandrasekaran died leaving behind his widow Tmt.K.Kalaichelvi and children, the respondents 2 and 3 herein. Since the retirement benefits were not given presumably on the ground that disciplinary proceedings were contemplated against the deceased, the widow approached the Central Administrative Tribunal. The Tribunal was pleased to allow the application.

3. When the writ petition is taken up for hearing, the learned counsel appearing for the respondents by producing an order dated 08.05.2019 on the file of Directorate of Agriculture and Farmers Welfare submitted that a decision was taken to close the proceedings initiated against K.Chandrasekaran.

4. In the said order there is indication that retirement benefits would be settled after entertaining the claim application from the legal representatives. The respondents 2 and 3 are the legal representatives of Thiru.K.Chandrasekaran. The order dated 08.05.2019 clearly indicates that retirement benefits would be paid to the legal representatives. Since the Government has taken a decision to close the disciplinary proceedings against Thiru.K.Chandrasekaran, nothing survives for adjudication.

5. We direct the petitioners to pay the retirement benefits due to K.Chandrasekaran to the respondents 2 and 3, as indicated in the order dated 08.05.2019, as expeditiously as possible and in any case within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

ssd

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Registrar
The Central Administrative Tribunal,
Chennai
2. The Secretary [Forest and Agriculture]
Chief Secretariat,
Government of Puducherry
Puducherry
3. The Additional Director of Agriculture (T&V)
O/o the Additional Director of Agriculture,
Thattanchavady, Puducherry - 605 001

+1cc to Mr.V.Vijay Shankar, Advocate, SR.No.59270

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Kak(10/10/2019)