

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.20658 of 2018

and

WMP.No.24276 of 2018

S.Nagarathinam

...Petitioner

Vs

1. The Union of India,
Rep. by its Secretary to Government,
Ministry of Home Affairs,
New Delhi - 110 001.
2. The Director General,
Central Industrial Security Force,
No.13, CGO Complex,
Lodhi Road, New Delhi - 110 003.
3. The Commandant,
Central Industrial Security Force,
Chennai Port Trust, Chennai - 600 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Mandamus, directing the respondents to pass orders on the representation of the petitioner dated 26.09.2013 and to pay Gratuity, Earned leave salary, Central Government Health Scheme Medical benefits to the petitioner.

For Petitioner : Mr.K.Sivakumar

For Respondents: Mr.V.Ashok kumar,
CGSC

O R D E R

The relief sought for in the present writ petition is to direct the respondents to pass orders on the representation of the writ petitioner dated 26.09.2013 and to pay gratuity, earned

leave salary, Central Government Health Scheme Medical benefits to the writ petitioner.

2. The writ petitioner was employed in the Central Industrial Security Force and attained the age of superannuation. The direction sought for in the present writ petition is to consider the representation for settlement of terminal benefits including gratuity.

3. The learned Standing Counsel appearing on behalf of the respondent now brought to the notice of this Court that, the departmental disciplinary proceedings initiated against the writ petitioner was initially challenged by the writ petitioner and matter went up to the Hon'ble Supreme Court of India and the Apex Court rejected the claim of the writ petitioner to quash the departmental disciplinary proceedings. Now the Competent Authorities are in the process of concluding the departmental disciplinary proceedings by passing final orders.

4. It is needless to mention that, the writ petitioner would be eligible to get all the terminal and retirement benefits only after the conclusion of the departmental disciplinary proceedings and not otherwise. Thus, the direction as such sought for to consider the representation cannot be issued, in view of the fact that, the departmental disciplinary proceedings are pending against the writ petitioner. The Competent Authorities shall conclude the departmental disciplinary proceedings in all aspects and pass orders as expeditiously as possible without causing any undue delay, as the writ petitioner is aged about 73 years old.

5. However, the relief as such sought for in the present writ petition cannot be granted and accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Pkn

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
The Union of India,
Ministry of Home Affairs,
New Delhi - 110 001.

2. The Director General,
Central Industrial Security Force,
No.13, CGO Complex,
Lodhi Road, New Delhi - 110 003.

3. The Commandant,
Central Industrial Security Force,
Chennai Port Trust, Chennai - 600 001.

+lcc to Mr.V.Ashok Kumar, Advocate, SR.No.24822/19
+lcc to Mr.Md.Ibrahim Ali, Advocate, SR.No.24013/19

W.P.No.20658 of 2018

Kak(28/05/2019)