

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16731 of 2019

N.V.Rajasekaran

...Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of Municipal Administration,
Chepauk, Chennai.

3.The Commissioner,
Arcot Municipality,
Vellore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for the issuance of a Writ of Mandamus, to direct the 1st and 2nd respondent to settle all the retirement benefits due to the petitioner such as DCRG with interest, Pension, revised pay, etc., and other monetary benefits within a specified time.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.R.S.Selvam for R1 & R2
Government Advocate

Mr.B.Anand for R3

ORDER

The Writ Petition has been filed by the petitioner seeking direction to direct the first and second respondents to settle all the retirement benefits due to the petitioner such as DCRG with interest, Pension, revised pay, etc., and other monetary benefits within a specified time.

2.The case of the petitioner is that the petitioner was working as Junior Assistant in Dharmapuri Municipality, he was

trapped and arrested on 16.08.1999 by the Vigilance and Anti-Corruption Authorities and he was suspended by the Municipal Commissioner, Dharmapuri with effect from 16.08.1999. Thereafter, the Law Enforcing Agency filed a charge sheet against the petitioner in the trap case in C.C.No.1 of 2001, on the file of the Chief Judicial Magistrate - I, Special Judge Krishnagiri. Simultaneously, the second respondent initiated the disciplinary proceedings for certain alleged irregularities before the Commissioner of Disciplinary Proceedings, Salem. The criminal case in C.C.No.1 of 2001 and the case before the Commissioner of Disciplinary Proceedings, Salem are on different set of allegations. The Commissioner of Disciplinary Proceedings, Salem by its enquiry report dated 12.02.2002 held that the charges levelled against the petitioner are not proved and exonerated the petitioner from the charges. The second respondent by its memorandum dated 17.01.2004 informed the petitioner that he has decided to deviate from the findings of the Commissioner of Disciplinary Proceedings, Salem and called for explanation from the petitioner. The petitioner received the above said memorandum on 20.02.2004 and submitted his explanation through proper channel on 03.03.2004. In the meanwhile, the Chief Judicial Magistrate-I, Special Judge Krishnagiri by its judgment dated 23.09.2004 in C.C.No.1 of 2001 convicted the petitioner and sentenced to undergo rigorous imprisonment for 3 years and also imposed fine. Immediately, thereafter, the petitioner was terminated from service on 08.11.2006. Thereafter, the petitioner filed a criminal appeal in CrI.A.No.1184 of 2004 before this Court. This Court by its judgment dated 26.08.2008 set aside the conviction and sentenced passed by the learned Chief Judicial Magistrate-I. The second respondent order dated 22.12.2009, the petitioner was reinstated into the service with the third respondent. The petitioner was due to retire from service on attaining superannuation from 31.12.2009. Again the respondent framed charges against the petitioner. The third respondent by its proceedings dated 31.12.2009, permitted the petitioner to retire from service without prejudice to the charge memo dated 29.12.2009. In respect of the charge memo dated 29.12.2009, the second respondent by its proceedings dated 21.05.2015, informed that the charges are proved and that the second respondent has decided to impose punishment of cut in pension of Rs.500/- per month for the period of 2 years. The petitioner has made several representations dated 26.08.2015, 01.08.2016 and 02.07.2018, requested to finalise the pending proceedings and to issue orders granting DCRG and other retirement benefits. Till date, the representations were not considered. Hence, the petitioner filed a Writ Petition before this Court.

3.The learned counsel appearing for the petitioner would submit that it would suffice if this Court issues direction to

the respondents to consider the representations submitted by the petitioner and to dispose of the same within a reasonable time as fixed by this Court.

4. Without going into the merits of the case, I am inclined to issue direction to direct the respondents to consider the representations and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

pam

To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Municipal Administration,
Chepauk, Chennai.
3. The Commissioner,
Arcot Municipality,
Vellore District.

+1cc to Mr. M. Sivavarthan, Advocate, SR.No.87862.
+1cc to Government Pleader, SR.No.87716.

SVL (CO)
CSR(26/11/2019)

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