

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :30.09.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.26820 of 2019

M.Liyakath Ali Khan

..Petitioner

vs

1.The Director Collector
Cuddalore District,
Cuddalore 607 001.

2.The Revenue Divisional Officer
RDO Office, Chidambaram Post,
Cuddalore District 608 001.

3.The Sub-Collector
Chidambaram Division
Chidambaram, Cuddalore District 608 001.

4.The Tahsildar
Chidambaram Taluk,
Chidambaram, Cuddalore District 608 001.

.. Respondents

(Cause title amended as per order dated 19.09.2019 in W.M.P.No.27438 of 2019 in W.P.No.26820 of 2019)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to allow the petitioner to retire and pay all the arrears of monetary and pensionary benefits from 01.11.2010 to till date to the petitioner.

For Petitioner : Mr.Syed Anwar Ahmed Hussaini

For Respondents : Mrs.A.Sri Jayanthi
Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is to direct the 2nd respondent to allow the petitioner to retire and pay all the arrears of monetary and pensionary benefits from 01.11.2010 to till date to the petitioner.

2. The case of the petitioner is that he was appointed as a Village Administrative Officer in the 2nd respondent department on 12.03.1984 and he had been working till 24.10.2008. When the petitioner was working as Village Administrative Officer of Pichavaram and Incharge of Keezha Thirukalipalli, Chidambaram Taluk, Cuddalore district, he was implicated in a false case by the Inspector of Police, Vigilance and Anti Corruption, Cuddalore under the provisions of the Prevention of Corruption Act, 1988, on the false complaint of one V.P.Kalaiyarasan. Pursuant to the said false complaint, the 2nd respondent vide order dated 25.10.2008 suspended the petitioner from functioning as VAO. Thereafter, on 20.05.2016, the Judgement was passed in the Special Case No.01 of 2010, by the learned Special Judge/Chief Judicial Magistrate, Cuddalore District, acquitting the petitioner. As against the said Judgement, appeal was preferred by the Revenue Department. However, the same was dismissed by this Court on 02.01.2018.

3. Meanwhile, the petitioner attained superannuation on 31.10.2010 and sent representation to the respondents requesting them to allow him to retire and grant the consequential monetary benefits to him. As there was no response to his representation, the petitioner filed a Writ Petition in W.P.No.26158 of 2014 before this Court seeking direction to release retirement benefits by commutation of pension and for other dues and as per the directions of this Court the same was paid to the petitioner. Thereafter, the petitioner made a representation on 08.06.2017 to release his retirement benefits by commutation of pension, provident fund along with gratuity and leave encashment salary etc. The said representation was not considered, hence, the petitioner made another representation on 20.03.2018. However, the representation dated 20.03.2018 was also not considered. As against the inaction, the present Writ Petition has been filed.

4. The learned counsel for the petitioner would submit that it would be suffice to issue direction to the respondents to dispose of the representation dated 20.03.2018, made by the petitioner in accordance with law.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the respondents to dispose of the representation dated 20.03.2018, if not disposed already, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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Chidambaram Taluk,
Chidambaram, Cuddalore District 608 001.

+1 cc to the Special Government Pleader sr83982

W.P.No.26820 of 2019

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