

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33230 of 2019

K.Banumathi

..Petitioner

Vs

1. Government of Tamilnadu
The Principal Secretary to Government
Environment and Forest Department,
Secretariat, Chennai-600009.
 2. The Principal Chief Conservator of Forests
and Head of the Department, Chennai-600015
 3. The Soil Conservation Officer
Mettur Soil Conservation Scheme Division,
Salem.
- .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pass appropriate orders to declare that any proceedings pending against the petitioner's husband namely C.Kandasamy as abated and to revoke the order not permitting to retire him from service issued by the third respondent in Proceedings No.E/2125/2011 dated 30.04.2012 and to grant all consequential retirement benefits including DCRG, Commutation of Pension, GPF, Encashment of surrender leave and unearned leave on private affairs and all arrears on full pensionary benefits till 29.09.2019 and to disburse family pension to the petitioner herein from 30.09.2019 onwards, all within a limited time frame.

For Petitioner : Mr.M.Ravi
For Respondent : Mr.M.Elumalai, GA

WEB COPY
O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus to direct the the respondents to pass appropriate orders to declare that any proceedings pending against the petitioner's husband namely C.Kandasamy as abated and to revoke the order not permitting to retire him from service issued by the third respondent in Proceedings No.E/2125/2011 dated 30.04.2012 and to

grant all consequential retirement benefits including DCRG, Commutation of Pension, GPF, Encashment of surrender leave and unearned leave on private affairs and all arrears on full pensionary benefits till 29.09.2019 and to disburse family pension to the petitioner herein from 30.09.2019 onwards, all within a limited time frame.

2. Heard both sides and perused the records. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner's husband was appointed as Forest Watcher in the year 1993 and subsequently promoted to the post of Forest Guard and as Forester in the year 2010. On the last date of his superannuation, the 3rd respondent issued an order of suspension and not permitting him to retire from service on the ground that disciplinary proceedings in regard to Vachathi incident is contemplated against him. Subsequently, the petitioner's husband died on 29.09.2019 without receiving any benefits. Therefore, the petitioner has made representation dated 18.10.2019 to the respondent for settling the terminal benefits. Since the same is still pending without consideration. The present writ petition is filed.

4. Learned counsel appearing for the petitioner has further submitted that the petitioner's husband had died without receiving his retirement benefits and no further submitted that in any event after the death of the employee, disciplinary proceedings will automatically abate. The learned counsel further submitted that it would suffice, if this Court issues direction to the respondents to consider and pass orders on the representation dated 18.10.2019 submitted by the Petitioner.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs the respondents to consider the request made by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ak

To

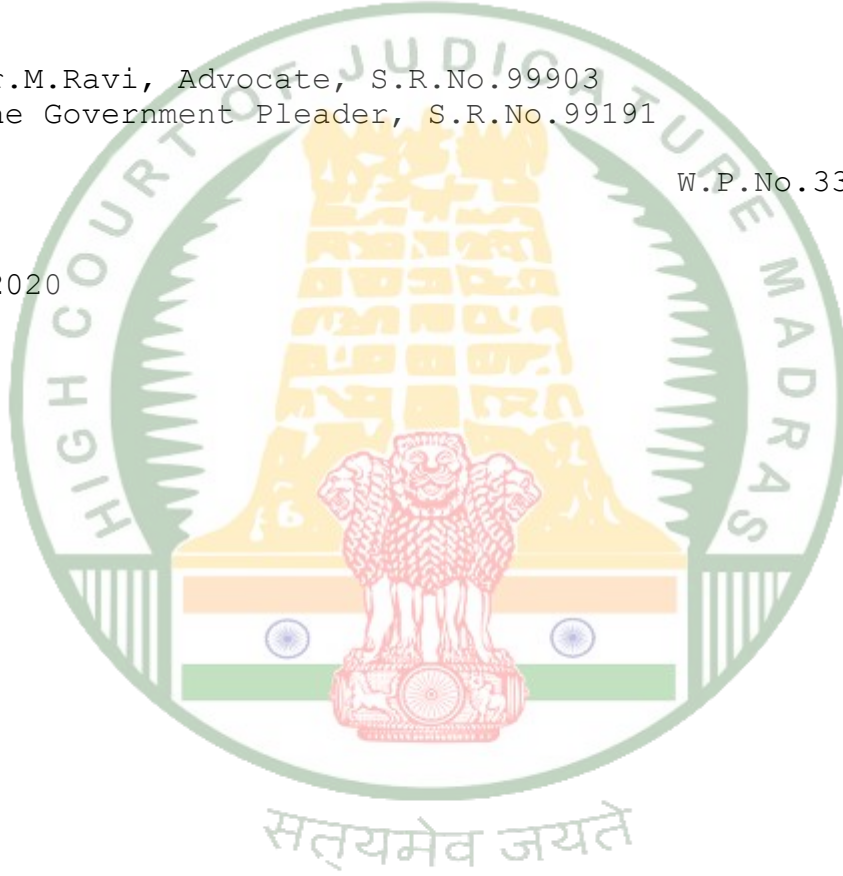
1. The Principal Secretary to Government
Environment and Forest Department,
Secretariat, Chennai-600009.
2. The Principal Chief Conservator of Forests
and Head of the Department,
Chennai-600015
3. The Soil Conservation Officer
Mettur Soil Conservation Scheme Division,
Salem.

+1cc to Mr.M.Ravi, Advocate, S.R.No.99903

+1cc to the Government Pleader, S.R.No.99191

W.P.No.33230 of 2019

PP(CO)
CS/20/01/2020



WEB COPY