

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.27526 of 2018

E.k.Krishnankutty

...Petitioner

Vs

1. The District Collector,
Coimbatore district,
Coimbatore.

2. The Personal Assistant (General)
to Collector,
Coimbatore.

3. The Tahsildar,
Sulur, Coimbatore District.

...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 forthwith disburse the retirement benefits payable to the petitioner including pension, gratuity, leave salary and all other emoluments entitled by the petitioner.

For Petitioner :Mr.P.Saravana Sowmiyan

For Respondents :Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents to forthwith disburse the retirement benefits payable to the petitioner including pension, gratuity, leave salary and all other emoluments.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the departmental disciplinary proceedings were initiated against the writ petitioner and a criminal case was also registered against the writ petitioner in

crime No.13 of 2008 for the offences under Sections 467,471,472,474,475 r/w 120(B) of IPC. Now it is pending before the Judicial Magistrate Court-II, Tirupur in CC.No.78 of 2017.

3. Pendency of a criminal case as well as the departmental disciplinary proceedings are the bar for claiming terminal and retirement benefits. Even as per the rules, only after the completion of the departmental disciplinary proceedings and the criminal case, the case of the writ petitioner is to be considered for settlement of terminal and pensionary benefits. Admittedly, the writ petitioner was not allowed to retired from service and he is retained in service as per the fundamental rules.

4. This being the factum, the relief as sought for in the present writ petition cannot be granted at this point of time and only after the disposal of the criminal case as well as the departmental disciplinary proceedings, the writ petitioner is at liberty to make appropriate application to the Competent Authorities for the redressal of his grievances in the manner known to law.

5. Accordingly, the writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Pkn
To

1. The District Collector,
Coimbatore district,
Coimbatore.
2. The Personal Assistant (General)
to Collector,
Coimbatore.
3. The Tahsildar,
Sulur, Coimbatore District.

+1cc to Mr.P.Saravanasowmiyan, Advocate sr.23528

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ev[co]
srg 23/04/2019