



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.1286 of 2013

and

M.P(MD).Nos.1 and 2 of 2013

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P.Ganesan

... Petitioner

-Vs-

1.State of Tamil Nadu

Represented by it's Principal Secretary to Government
Fort St.George
Chennai

2.The District Collector

Tirunelveli
Tirunelveli District

3.The Revenue Divisional Officer

Tenkasi
Tirunelveli District

4.The Tahsildar

Veerakeralampudur
Tirunelveli District

... Respondents

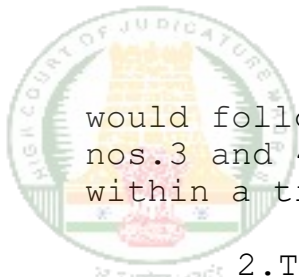
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Roc.B1/10556/2012 dated 31.12.2012 on the file of the respondent no.3 and quash the same as illegal to the extent the petitioner is permitted to retire from the service without prejudice to the pending framing charges which would follow in due course and consequently to direct the respondent nos.3 and 4 to provide all the retirement benefits to the petitioner within a time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Dhayalan
Government Advocate

ORDER

This Writ petition has been filed to call for the records pertaining to the impugned order in Roc.B1/10556/2012 dated 31.12.2012 on the file of the respondent no.3 and quash the same as illegal to the extent that the petitioner is permitted to retire from service without prejudice to the pending framing charges which



would follow in due course and consequently to direct the respondent nos.3 and 4 to provide all the retirement benefits to the petitioner within a time to be fixed by this Court.

2.The petitioner was working as Village Administrative Officer in Aanaigulam Village, Veerakeralampudur Taluk. He was arrayed as accused in C.C.No.192 of 2008 on the file of the Judicial Magistrate, Sengottai. He attained the age of superannuation on 31.12.2012 and the third respondent vide impugned proceedings, dated 31.12.2012, permitted the petitioner to retire from service on the afternoon of 31.12.2012 without prejudice to the pending framing charges which would follow in due course and the court trial, against which, the present Writ petition has been filed. After the filing of the Writ petition, the retirement benefits were paid belatedly.

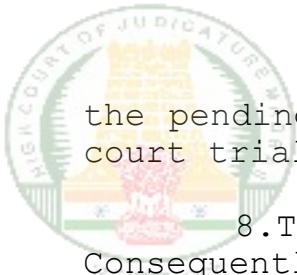
3.It is further submitted that the petitioner was acquitted from the criminal case on the benefit of doubt, against which, he has filed Crl.R.C.(MD).No.798 of 2013 and this Court modified the finding of the trial Court as honourable acquittal, vide order, dated 05.12.2013.

4. The learned counsel for the petitioner through the rejoinder filed by the petitioner stated that he has also filed W.P (MD).No.19319 of 2016, for a direction to the respondents to pay interest on the belated payment of terminal benefits to the tune of Rs.19,84,586/- by considering his representation dated 29.08.2016. The representation is yet to be considered.

5.Now, as the criminal charges ended in acquittal, the petitioner would pray for partly quashing the impugned order to the extent "without prejudice to the pending framing charges in future and the Court trial".

6.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

7.Admittedly, no charge memo was issued against the petitioner. During the pendency of this Writ petition, the terminal benefits were also disbursed. Now, it is brought to the notice of this Court that the entire criminal proceedings have ended in favour of the petitioner. Though the retirement benefits were paid, no interest was paid and he had filed a Writ petition in W.P.(MD). No.19319 of 2016 where a direction was given to pass orders on the petitioner's representation. Now, the grievance of the petitioner is that the criminal case ended in his favour and therefore, would pray for setting aside the second portion of the impugned order to the extent "without prejudice to the pending framing charges which will follow in due course and the court trial". In my opinion, the petitioner is entitled for the above stated relief. Therefore, the impugned order is quashed partly to the extent "without prejudice to



the pending framing charges which will follow in due course and the court trial".

8.The Writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To

1.The Principal Secretary to Government
State of Tamil Nadu
Fort St.George
Chennai

2.The District Collector
Tirunelveli
Tirunelveli District

3.The Revenue Divisional Officer
Tenkasi
Tirunelveli District

4.The Tahsildar
Veerakeralampudur
Tirunelveli District

+1 CC to Mr.T.LAJAPATHIROY, Advocate (SR-485[F] dated 07/01/2020)

W.P. (MD) No.1286 of 2013

and

M.P (MD) .Nos.1 and 2 of 2013

06.01.2020

MK (30.01.2020) 3P 6C