

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 18.07.2019

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.17015 of 2012**

Mr.G.Henry Bala Singh

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai-5.
3. The Commissioner,
Nagercoil Municipality,
Nagercoil, Kanyakumari District.
4. The Director,
Local Fund and Audit Department,
Chennai-600 108.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.2 to 4 to provide to the petitioner all the retirement benefits including the regular pension and the leave salary with appropriate interest from 01.08.2006 till the date of payment.

For Petitioners	: Mr.T.Lajapathi Roy
For R1, R2, R4	: Mr.M.Jeyakumar Additional Government Pleader
For R3	: Mr.P.Athimoola Pandian

ORDER

The relief sought for in the present writ petition is for a direction to the respondent Nos.2 to 4 to settle all the retirement benefits including regular pension to the writ petitioner with effect from the date of retirement.



2.The writ petitioner was employed as Revenue Inspector and retired from service on attaining the age of superannuation on 31.07.2016. The grievance of the writ petitioner is that the terminal benefits are yet to be settled.

3.On instructions, the learned Additional Government Pleader appearing for the respondent Nos.1, 2 and 4 made a submission that the departmental disciplinary proceedings were initiated against the writ petitioner by framing charges under Rule 8(2) of the Tamil Nadu Municipal Service (Discipline and Appeal) Rules 1970. The enquiry proceedings were conducted and the Enquiry Officer also submitted a report holding that the charges against the writ petitioner is proved. Thus, the related municipal records and further particulars were sent to the Government towards finalization of the charges. It is further stated that "based on the report of the appropriate authority (Vigilance), the Government in G.O(2D) No.138, Municipal Administration and Water Supply Department, dated 07.08.2007 has directed to institute department action against the delinquent officials for irregularities committed in the leasing out of CPR park in violation of rules, the allegation involves pecuniary loss to the exchequer. The charges u/r 8(2) Tamil Nadu Municipal Service (Disciplinary and Appeal) Rules is pending the report from the Enquiry Officer is awaited."

4.Thus, the fact remains that the departmental disciplinary proceedings initiated against the writ petitioner is in progress and at this juncture, this Court cannot issue any direction for settlement of terminal and pensionary benefits due to the petitioner. However, taking note of the fact that the departmental disciplinary proceedings are pending for a long year, the respondents are directed to proceed with the formalities, complete the enquiry in all respects and pass final order as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order, enabling the writ petitioner to claim his terminal and pensionary benefits in accordance with the Rules.

With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Secretary,
State of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai.

2. The Commissioner of Municipal Administration,
Chepauk, Chennai-5.

3. The Director,
Local Fund and Audit Department,
Chennai-600 108.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-76290[F] dated
19/07/2019)

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-76530[F] dated
22/07/2019)

W.P. (MD) No.17015 of 2012
18.07.2019

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AE/ (02.08.2019) 3P 6C