

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 02.07.2019****CORAM:**

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**W.P. (MD) No.10849 of 2014**

M.Halan

... Petitioner

-Vs-

1.The District Forest Officer,
Theni Forest Division,
KRR Nagar Housing Board,
Theni, Theni District.

2.The Assistant Director,
Khadi and Village Industries,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits as requested by the petitioner in his representation dated 04.06.2014 without any further delay and within the time frame fixed by this Court.

For Petitioner : Mr.Chamundi Bose,

For M/s.Kara Associates

For R1

: Mr.K.Mu.Muthu,
Additional Government Pleader.

For R2

: Mr.G.Karnan

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to settle the retirement benefits as requested by the writ petitioner in his representation dated 04.06.2014.

2.The writ petitioner was employed at Gernium project Kodaikanal as a Overseer with Khadi and Village Industries at Dindigul District.

3.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was allowed to retire from service. However, terminal and retirement benefits due to the writ petitioner are yet to be settled.

4.The learned counsel appearing on behalf of the second respondent states that recovery proceedings are pending against the writ petitioner. Therefore, terminal benefits are not settled



by the respondent Organisation.

5. This Court is of the considered opinion that in respect of certain financial losses, recovery proceedings are initiated. Recovery proceedings are already initiated with reference to the amount of loss quantified by the competent authorities.

6. This being the factum, the disputed amount alone can be withheld and the balance amount of retirement and terminal benefits and other monetary benefits can be settled in favour of the writ petitioner. In this regard, the learned counsel for the second respondent brought to the notice of this Court that all other benefits are settled and only the recovery amount alone is withheld and after completion of recovery proceedings, further settlements can be issued. The recovery proceedings issued by the respondent Organisation has not been challenged by the writ petitioner.

7. This being the factum, it is left open to the writ petitioner to redress his grievance against the recovery proceedings, if he has so advised to do. The fact remains that other settlements are already made, therefore, no further adjudication is required in the present Writ Petition.

8. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

Myr

To
The District Forest Officer,
Theni Forest Division,
KRR Nagar Housing Board,
Theni, Theni District.

+1cc To M/S.G.KARNAN, Advocate, Sr.No.73140