



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 16334 of 2019

and

W.M.P. (MD) Nos. 12983 & 12984 of 2019

WEB COPY

Mayandi, S/o. Velayutham

... Petitioner

Vs.

1. The Government of Tamil Nadu,
By its Secretary,
Public Works Department,
Secretariat, Chennai.

2. The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for G.O.(D)No.563, Public Works (E1) Department, dated 27.09.2007, issued by the first respondent, quash the same as illegal and direct the respondents to permit the petitioner to retire from service on superannuation from 30.09.2007 and sanction all monetary benefits and promotional benefits to the petitioner from 20.08.2002 to 30.09.2007 and also the retirement benefits gratuity, earned leave salary and pension to the petitioner.

For Petitioner : Mr. S. Muthkrishnan

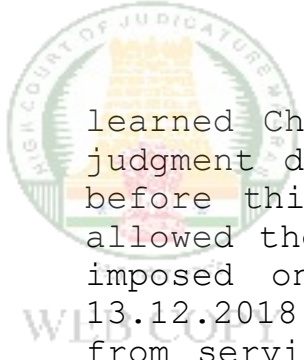
For Respondents : Mr. A. Muthukaruppan

Additional Government Pleader

ORDER

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus, to quash G.O.(D)No.563, Public Works (E1) Department, dated 27.09.2007, issued by the first respondent, quash the same as illegal and direct the respondents to permit the petitioner to retire from service on date of superannuation viz., on 30.09.2007 and sanction all monetary and promotional benefits to him from 20.08.2002 to 30.09.2007 and also the retirement benefits, gratuity, earned leave salary and pension to him.

2. According to the petitioner, he was working as Assistant Executive Engineer, Public Works Department. Pursuant to the complaint lodged by one P.V. Ramamurthy on 08.07.1996, a case in Crime No.2 of 1996 was registered against the petitioner and charge sheet was also filed against him and two others, based on which, the petitioner was placed under suspension by the first respondent on 07.11.1996. Further, he was convicted by the



learned Chief Judicial Magistrate, Thanjavur at Kumbakonam, vide judgment dated 22.02.2007, against which, he preferred an appeal before this Court and this Court, by judgment dated 05.10.2018, allowed the said appeal and set aside the conviction and sentence imposed on him and therefore, he made a representation dated 13.12.2018 to the first respondent seeking to allow him to retire from service and also for payment of retirement benefits, but no action has been taken so far.

3.The learned Additional Government Pleader appearing for the respondents submitted that unless the departmental proceedings are concluded, the petitioner is not entitled for the retirement benefits.

4.The learned counsel appearing for the petitioner submitted that the very same set of charges have been framed in the criminal case as well as in the departmental proceedings and therefore, the authority concerned has to consider the same and pass appropriate orders. However, insofar as the terminal benefits are concerned, the authority concerned has to settle the same to the petitioner as per the provisions of law.

5.Considering the submissions of the learned counsel on either side, without going into the merits of the case, this Court directs the first respondent to consider the petitioner's representation dated 13.12.2018 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of, with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government of Tamil Nadu,
Public Works Department,
Secretariat, Chennai.

2.The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai.