



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.19751 of 2019

and

W.M.P(MD)No.16241 of 2019

C.Krishnan

... Petitioner

Vs.

1.The Joint Directorate of Collegiate Education,
Tirunelveli Region,
Tirunelveli-627 008.

2.The Accountant General (A & E),
Tamil Nadu,
361, Annasalai,
Chennai-600 018.

3.The Secretary,
Arignar Anna College,
Aralvoimozhi,
Kanyakumari District-629 301.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings in R.C.No.6649/B2/2019 dated 01.07.2019 on the file of the first respondent and consequent Order No.P25/1/12521446/ADK dated 13.08.2019 on the file of the second respondent and quash the same and further directing the respondents to disburse the petitioner's pensionary benefits forthwith.

For Petitioner : Mr.G.Prabhu Rajadurai

For R1 : Mr.C.M.Marichellaiah Prabhu,
Additional Government Pleader

For R2 : Mr.P.Gunasekaran

ORDER

The petitioner has filed the present writ petition challenging the order of the first respondent in R.C.No.6649/B2/2019 dated 01.07.2019 and consequential order passed by the second respondent in No.P25/1/12521446/ADK, dated 13.08.2019, and for a direction to the respondents to disburse his pensionary benefits forthwith.



2. According to the petitioner, he was appointed as Lecturer in Physics Department in the year 1990 in the third respondent College and after serving in the third respondent College, he retired on 31.01.2019 on attaining the age of superannuation as Head of the Department and he was permitted to work till the end of the Academic year on 31.05.2019. While he was in service, the third respondent appointed an Advocate as a fact finding domestic enquiry officer to enquire into a complaint lodged by the petitioner as well as by one Dr.A.Kalaivaanan against each other. The petitioner filed a writ petition in W.P(MD)No.19453 of 2017 before this Court and this Court by order dated 20.10.2017, admitted the writ petition and granted interim stay. The first respondent by the proceedings dated 01.07.2019, sanctioned the pension and gratuity to the petitioner. But the first respondent withheld the said amount on the ground that the W.P(M)DNo.19453 of 2017 and W.M.P(MD)No.15744 of 2017 are pending.

3. The learned counsel appearing for the petitioner contended that the writ proceedings initiated by the petitioner has nothing to do with the payment of his terminal benefits including pension and gratuity to the petitioner. The petitioner was retired from service and he is entitled to all the terminal benefits including pension and gratuity.

4. Heard the learned counsel appearing for the petitioner, Mr.C.M.Marichellaiah Prabhu, learned Additional Government Pleader appearing for the first respondent and Mr.P.Gunasekaran, learned counsel appearing for the second respondent and perused the materials available on record.

5. From the materials on record, it is seen that the petitioner attained the age of superannuation on 31.01.2019 and he was permitted to work till the academic year and retired on 31.05.2019. The learned counsel for the petitioner submitted that there is no disciplinary proceedings pending against the petitioner and it is not disputed by the respondents. The petitioner has filed W.P.(MD) No.19453 of 2017 challenging the appointment of an Advocate as a fact finding authority. Having permitted the petitioner to retire from service without any condition, the respondents are not entitled to withhold the terminal benefits payable to the petitioner as sanctioned by the proceedings, dated 01.07.2019. Therefore, the impugned proceedings of the first respondent, dated 01.07.2019 is set aside to the extent of withholding the terminal benefits payable to the petitioner alone and the first respondent is directed to issue the order for payment of entire terminal benefits.



6. In the result, writ petition is allowed. The first respondent is directed to issue order for payment of terminal benefits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Joint Directorate of Collegiate Education,
Tirunelveli Region,
Tirunelveli-627 008.

2.The Accountant General (A & E),
Tamil Nadu,
361, Annasalai,
Chennai-600 018.

+1CC TO MR.P.GUNASEKARAN, Advocate Sr. No. 92223
+1CC TO MR.G.PRABHU RAJADURAI, Advocate Sr. No.91966
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 91897

W.P. (MD) No.19751 of 2019
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GKG(CO)
TR(07.11.2019) 3P 6C