



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.12257 of 2014

and

M.P. (MD) No.1 of 2014

V.P.Ganesasubramanian

... Petitioner

-Vs-

1.The Secretary to Government of Tamil Nadu,
Revenue Department, Secretariat,
Fort St. George, Chennai-600 009.

2.The Commissioner of Revenue Administration,
Ezhilagam Buildings, Chepauk,
Chennai-600 005.

3.The District Revenue Officer,
Tirunelveli District, Collectorate Campus,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the charge memo issued by the first respondent vide Letter No.30573/Ser.3(2)/02-10 dated 13.01.2004 and to quash the same and for consequential direction directing the respondents 1 to 3 herein to settle the pensionary benefits along with attendant and all other monetary benefits to the petitioner along with 9% interest from the date of superannuation of the petitioner within the reasonable period as prescribed by this Court.

For Petitioner : Mr.S.P.Maharajan

For Respondents : Mr.K.Mu.Muthu,

Additional Government Pleader.

ORDER

The charge memo dated 13.01.2004 is under challenge in the present Writ Petition.

2.The writ petitioner was appointed as Junior Assistant in the office of Tahsildar, Tirunelveli Taluk, on 23.08.1966. He was promoted to the post of Assistant in the year 1973 and thereafter, he attained the age of superannuation on 30.06.2002. The writ petitioner was not allowed to retire from service, on account of the fact that departmental disciplinary proceedings are instituted against him in proceeding dated 13.01.2004 and a criminal case was



registered by the Department of Vigilance and Anticorruption under the provisions of Prevention of Corruption Act, 1988.

3.The charge against the writ petitioner was that the writ petitioner, who was holding the post of Special Revenue Inspector, in connivance with one Velu, Surveyor, Office of the Tahsildar (ADW), Cheranmahadevi on 07.02.2001 at their office demanded an illegal gratification of Rs.400/- each for 56 beneficiaries of Vadakkukarukurichi Village and also demanded a part of payment of Rs.1000/- each for both of them from one E.Subramanian of Vadakkukarukurichi Village, for recommending the issue of free house site patta to the beneficiaries.

4.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the criminal case registered against the writ petitioner was dropped, on account of the fact that the evidences were unable to be collected. Subsequently, departmental disciplinary proceedings were also continued and enquiry was completed and final order in the departmental disciplinary proceedings was passed, imposing penalty of compulsory retirement on the writ petitioner.

5.Thus, the present Writ Petition challenging the charge memo deserves no further adjudication, as the departmental disciplinary proceedings had been concluded and final order of punishment, imposing the penalty of compulsory retirement was also issued. As far as the present Writ Petition is concerned, it became infructuous. However, the learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is now aged about 75 years and pensionary benefits are yet to be settled, despite the fact that the departmental disciplinary proceedings are concluded.

6.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that near about Rs.85,00,000/- (Rupees Eighty Five Lakhs Only) has already been paid to the writ petitioner and balance amount of Rs.1,89,999/- (Rupees One Lakh Eighty Nine Thousand Nine Hundred and Ninety Nine Only) is to be paid. This apart, the authorities have already submitted proposals for sanctioning of pension and the said proposals will be processed at the earliest possible, enabling the writ petitioner to get the balance amount of benefits.

7.In view of the submission made by the learned Additional Government Pleader, this Court is of an opinion that the writ petitioner is aged about 75 years and his pension proposals are to be processed as expeditiously as possible and all other benefits due to him are to be settled based on his eligibility and as per the rules in force.



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8. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary to Government of Tamil Nadu,
Revenue Department, Secretariat,
Fort St. George, Chennai-600 009.
2. The Commissioner of Revenue Administration,
Ezhilagam Buildings, Chepauk,
Chennai-600 005.
3. The District Revenue Officer,
Tirunelveli District, Collectorate Campus,
Tirunelveli.

+1 CC to Mr.S.P.MAHARAJAN, Advocate (SR-82348[F] dated 20/08/2019)
+1 CC to SPL GP (SR-82443[F] dated 20/08/2019)

W.P. (MD) No.12257 of 2014

19.08.2019

(1/2)

myr

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