



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.9533 of 2014

M.Janakarajan

... Petitioner

Vs.

1.Principal Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai.

2.The District Forest Officer,
District Forest Office,
Kodaikanal Division,
Dindigul District.

... 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 pertaining to the first respondent in C.No.7525/2014/BEN dated 07.05.2014 and confirming proceedings C.No.2580/10/E1 dated 7.5.2014 quash the same and consequently direct the respondents to issue gratuity and surrender leave encashment amount and remaining salary while the petitioner was in suspension period from 23.05.2005 to 30.03.2007 and granting such other and further reliefs.

For Petitioner : Mr.C.Arun Alais Arunachalam

For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader

ORDER

The order impugned, dated 7.5.2014 rejecting the claim of the writ petitioner for settlement of terminal and pensionary benefits, is under challenge in the present writ petition.

2. The writ petitioner was appointed as Forest Guard and subsequently promoted as Forester. A criminal case was registered against the writ petitioner and he was placed under suspension. The writ petitioner filed a writ petition in W.P.No.11551 of 2006 and pursuant to the orders of this Court, the order of suspension was



revoked and he was reinstated. Thereafter, the writ petitioner attained the age of superannuation on 30.11.2010 and he was not allowed to retire from service and placed under suspension. The services of the writ petitioner was retained under the provisions of the fundamental rules. Under those circumstances, the writ petitioner filed a representation to the authorities for settlement of terminal and pensionary benefits. The said claim of the writ petitioner was rejected by the Principal Chief Conservator of Forests in the impugned proceedings dated 7.5.2014 and the reasons stated is that both the criminal case in Special C.C.No.5 of 2007 on the file of the Chief Judicial Magistrate as well as two sets of 17 (b) charges are pending against the writ petitioner. During the pendency of the departmental disciplinary proceedings as well as the criminal case, the terminal and retirement benefits cannot be settled.

3. This Court is of the considered opinion that the reasons stated in the impugned order is undoubtedly in consonance with the service rules in force. The public servants on the date of retirement facing the criminal case as well as the departmental disciplinary proceedings are not entitled to claim terminal and pensionary benefits. Only certain benefits with reference to the rules, which is permissible alone can be paid and not the other terminal benefits including the gratuity etc. All such benefits are to be settled only after the disposal of the criminal case as well as the disposal of the departmental disciplinary proceedings in force. Thus, the writ petitioner can make a claim for settlement of terminal and retirement benefits only after the disposal of the criminal case and after the disposal of the departmental disciplinary proceedings.

4. With these observations, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.Principal Chief Conservator of Forest,
Panagal Maligai,
Saidapet,
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Forest Officer,
District Forest Office,
Kodaikanal Division,
Dindigul District.

+1 CC to M/s.SPL GP (SR-81492[F] dated 13/08/2019)

W.P. (MD) No.9533 of 2014
09.08.2019

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