



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P(MD).No. 15175 of 2018

and W.M.P.(MD) No. 13713 of 2018

WEB COPY

S. Radhakrishnan

... Petitioner

Vs.

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
2. The Director of Public Health and Preventive Medicine,
Office of the Director of Public Health and Preventive
Medicine, Chennai - 600 006.
3. The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Dindigul.
4. The Block Medical officer,
Government Primary Health Centre,
Uluppakudi, Natham Taluk, Dindigul District.
5. The principal Accountant General (A & E) Tamil Nadu,
Office of the Principal Accountant General,
Anna Salai,
Chennai - 600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the first respondent in Lr.No.5770/D1/2012-17, dated 20.02.2018 which was forwarded through the order of the second respondent in R.No.55908/PHC3/A1/2011, dated 14.03.2018 and quash the same as illegal and consequently direct the respondents to settle the Death cum Retirement Gratuity amount of Rs.4,33,872/-due to the petitioner, within a time frame fixed by this Court.

For Petitioner	: Mr.M. Sivakumar for Mr. R.R. Kannan
For Respondents -1 to 4	: Mr. Aayiram K.Selvakumar Additional Government Pleader
For Respondent-5	: Mr.P.Gunasekaran Standing Counsel

**O R D E R**

This Writ Petition has been filed to quash the impugned order, dated 20.02.2018 in Lr.No.5770/D1/2012-17 passed by the first respondent and the same was forwarded through the order of the second respondent in R.No.55908/PHC3/A1/2011, dated 14.03.2018 and also sought a direction to the respondents to settle the Death Cum Retirement Gratuity amount of Rs.4,33,872/-to the petitioner, within the time stipulated by this Court.

2. The grievance of the petitioner is that he was initially appointed as Junior Assistant in the first respondent Department, under the Physically Handicapped category and subsequently, he was promoted as Assistant, Superintendent. He attained the age of superannuation and retired from service on 31.05.2011 and his pension and commutation of pension are settled. But, the Death cum Retirement Gratuity amount of Rs.4,33,872/-alone was withheld by the respondents. The further grievance of the petitioner is that he has submitted several representations to the respondents, but, they have not settled his claim. Hence, the instant writ petition is filed.

3. The learned Additional Government Pleader appearing for the respondents-1 to 3 would submit that a disciplinary proceeding was initiated and a charge memo has also been issued against the petitioner and the same is pending before the second respondent and therefore, the impugned order has been passed by the first respondent. He would further submit that The Government has passed an order to withhold the aforesaid amount and hence, the amount would not be realised.

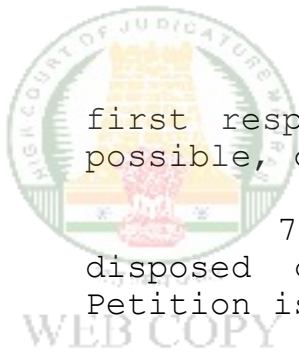
4. The learned counsel appearing for the petitioner would submit that this Court may direct the respondents-1 & 2 to conclude the disciplinary proceedings, within the time stipulated by this Court.

5. The learned Additional Government Pleader appearing for the respondents has agreed that the disciplinary proceedings shall conclude as directed by this Court, within the time stipulated by this Court.

6. Therefore, in the light of the aforesaid submissions made on either side and the request made by the learned counsel appearing for the petitioner, this Court is inclined to pass the following orders:

(i). The Second respondent is directed to conclude the disciplinary proceedings as expeditiously possible preferably, within a period of Four (4) months, from the date of receipt of copy of the order.

(ii). Based on the order passed by the second respondent, the



first respondent is directed to pass final orders, as early as possible, on receipt of the report from the second respondent.

7. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
2. The Director of Public Health and Preventive Medicine,
Office of the Director of Public Health and Preventive
Medicine,
Chennai - 600 006.
3. The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Dindigul.
4. The Block Medical officer,
Government Primary Health Centre,
Uluppakudi, Natham Taluk, Dindigul District.
5. The principal Accountant General (A & E) Tamil Nadu,
Office of the Principal Accountant General,
Anna Salai, Chennai - 600 018.

+1 CC to Mr.R.R.KANNAN, Advocate SR-79267.

+1 CC to SPL GP SR-79485.

W.P(MD) .No. 15175 of 2018

01.08.2019

CS(04.09.2019) 3P 8C