

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.10.2020
CORAM
THE HONOURABLE MR. JUSTICE M.DHANDAPANI
W.P.No.21357 of 2013
and
M.P.No.1 of 2013

V.Annamalai,
S/o.Veerappan

... Petitioner

Vs

The Managing Director,
Tamil Nadu Adidraavidar Housing
Unit and Development Corporation,
Thirumangalam,
Chennai - 600 101.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to settle all the retirement benefits such as Gratuity, P.F.Earned Leave Benefit and also other benefits as accrued to the petitioner within the stipulated time.

For Petitioner : Mr.R.Sathyakumar

For Respondent : Mr.N.Syed Jamal

ORDER

This writ petition has been filed to direct the respondent to settle all the retirement benefits such as Gratuity, P.F.Earned Leave Benefit and also other benefits as accrued to the petitioner within the stipulated time as fixed by this Court.

2.The case of the petitioner that he was working as District Manager in the respondent Corporation. While in service at Trichy, a vigilance case was registered as against him and thereafter, he retired on 31.08.2010 after attaining the age of superannuation. It is the grievance of the petitioner that in the retirement order, it was stated that he was allowed to retire without prejudice to the Vigilance and Anti corruption enquiry pending against him and thereafter he made several representations on 2.1.2013 and 25.04.2013, requesting to pay the retirement benefits, however till date no monetary benefits were not granted to the petitioner. Hence the present writ petition.

3. When the matter is taken up for hearing, learned counsel appearing for the petitioner reported that he has no instructions in this case. However, considering the pendency of the writ petition, this Court decides to pass orders on merits based on the available records.

4. A counter affidavit was filed on behalf of the respondents.

5. The facts in the present case are not disputed one. On a perusal of the counter affidavit, it alleged that a huge amount was misappropriated by the petitioner and the said amount is the pecuniary loss caused by him to the respondent department. Therefore the Vigilance and Anti Corruption Department has registered a case as against the petitioner prior to his retirement and also a criminal case was filed as against him under Sections 465, 468, 471 and 128 of IPC read with 13 (1) (2) (c) of Prevention of Corruption Act. In view of the pending departmental proceedings, the question of grant of retirement benefits to the petitioner could only be considered after the disposal of the criminal case and enquiry initiated by the Vigilance & Anti Corruption Department and disciplinary authority. Under these circumstances, the petitioner merely filing this writ petition seeking writ of mandamus is not sufficient one. In such view of the fact that a Criminal Case is pending as against the petitioner, hence this Court cannot entertain the prayer sought for by the petitioner and the same is liable to be dismissed.

6. With the above observation, this Writ Petition stands dismissed. However, liberty is granted to the petitioner to work out his remedy after disposal of the criminal case as well as the departmental proceedings. There shall be no order as costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CCC)

/true copy/

Sub Asst. Registrar

gbi

To

The Managing Director,
Tamil Nadu Adidraavidar Housing
Unit and Development Corporation,
Thirumangalam,
Chennai - 600 101.

+1 cc to Mr.R.Sathyakumar Advocate sr33777

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