

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3467 of 2020

K. Radhakrishnan

... Petitioner

Vs.

1.The District Collector,
Perambalur.

2.Director,
Department of Rural Development &
Panchayat Raj,
Panagal Building,
Chennai - 600 015.

3.The Block Development Officer,
Veppanthattai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondents 1 and 2 to grant the petitioner all consequential benefits consequent on his acquittal in Criminal Case No.7 of 2002, including commutation of pension as on the date of his retirement (31.08.2010), regular pension with effect from 01.09.2010, salary and other allowances for the period of suspension (14.03.2001 to 31.08.2010) and fix the notional promotion and benefits on par with his juniors.

For Petitioner : Ms. Usha Ramman

For Respondents : Mr. P.S. Siva Shanmuga Sundaram,
for R1 & R2
Special Government Pleader.
Mr. B. Anand, for R3
Standing Counsel.

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondents to grant all the retirement benefit and other monetary benefit to the petitioner pursuant to the representation made by the petitioner on 26.12.2018.

2. The case of the petitioner is that he was working as a Deputy Block Development Officer at Alathur Panchayat Union. A criminal case came to be registered against the petitioner under the Prevention of Corruption Act, 1988 and therefore, the petitioner was placed under suspension by the proceedings of the first respondent dated 14.03.2001. The criminal case ultimately ended in acquittal by a judgment made in C.C.No.7 of 2002 dated 17.06.2016.

3. After the petitioner was acquitted from the criminal proceedings, the respondents initiated departmental proceedings against the petitioner in the year 2017. The petitioner had given his explanation and enquiry officer was appointed and he has also submitted his report. Thereafter, the petitioner was directed to submit his explanation and the petitioner also gave further explanation on 07.11.2018.

4. The grievance of the petitioner is that after further explanation was given by the petitioner, there was absolutely no progress in the disciplinary proceedings and now the petitioner has already crossed the retirement age. Thereafter, left with no other option, the petitioner made a representation dated 26.12.2018 to the first and second respondent requesting them to drop the proceedings and take into consideration the acquittal in the criminal case and pay the petitioner all retirement and other monetary benefits. This representation was also not considered and therefore, the petitioner has approached this Court by seeking for the aforesaid reliefs.

5. Heard, Ms.Usha Ramman, learned counsel for the petitioner, Mr. P.S. Siva Shanmuga Sundaram, learned Special Government Pleader, appearing on behalf of R1 & R2 and Mr. B. Anand, learned Standing Counsel, appearing of behalf of R3.

6. Taking into consideration of the facts and circumstances of the case and also the fact that the enquiry has already been completed in the disciplinary proceedings and the petitioner has already given his further explanation for the report of the enquiry officer, it will be appropriate to direct the first respondent to pass final orders in the disciplinary proceedings within a period of four weeks from the date of receipt of copy of this order. Ultimately, in the result, disciplinary proceedings will determine the entitlement of the petitioner for retirement benefits and monetary benefits sought by him. The petitioner is directed to make a fresh representation to the first and second respondents along with a copy of this order and the respondents shall strictly comply with the directions of this Court and pass final orders within the time fixed by this Court.

7. This writ petition is disposed of with the above directions. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

AT

To

1. The District Collector,
Perambalur.

2. The Director,
Department of Rural Development &
Panchayat Raj,
Panagal Building,
Chennai - 600 015.

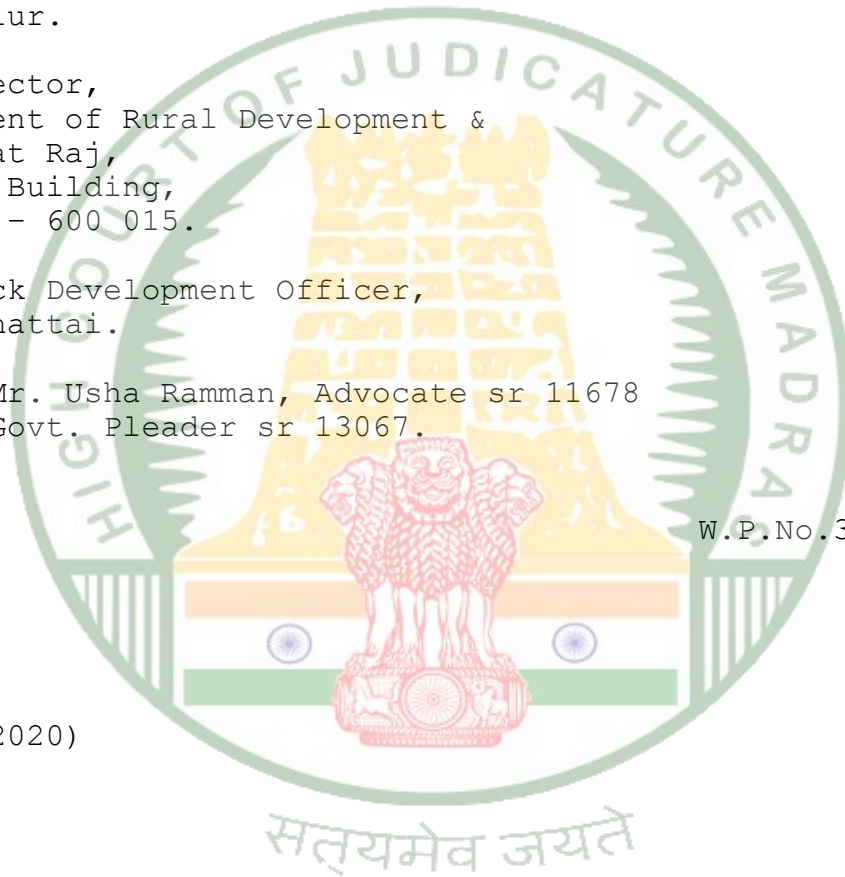
3. The Block Development Officer,
Veppanthattai.

+1 CC to Mr. Usha Ramman, Advocate sr 11678

+1 CC to Govt. Pleader sr 13067.

W.P.No.3467 of 2020

CA (CO)
SP (27/02/2020)



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