

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29391 of 2013 and MP No.1 of 2013

T. Prakasam

...Petitioner

.Vs.

1. The Secretary to the Government,
Public Works (E1) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Chief Engineer (Buildings),
Chennai Region, Public Works Department,
Chepauk, Chennai - 600 005.

3. The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 600 005.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse petitioner entire retirement benefits.

For petitioner : Mr.T.P. Senthilkumar

For respondents: Mr.S.Thangavel,
Spl. Govt. Pleader

O R D E R

Petitioner has come up with this writ petition seeking direction to the respondents to disburse the entire retirement benefits due to the petitioner.

2. According to the petitioner that he was appointed as Assistant Engineer on temporary basis with effect from 06.12.1978 and subsequently, his services were regularized. Whiles, due to misappropriation of Government money, charge memo was issued and he was suspended from service and furthermore, he was not permitted to retire on attaining the age of superannuation on 31.07.2013. Challenging the said order of suspension, he filed writ petition in W.P. No.21763 of 2013 and this Court by its order dated 07.08.2013 issued directions to conclude the disciplinary proceedings and to pass final orders.

Subsequently, his terminal benefits dues were not settled. Hence, he submitted representation dated 05.09.2013 seeking terminal benefits from the respondents, which has not evoked any response. Therefore, the present writ petition has been filed.

3. Though very many grounds are raised, however, at the time of argument, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the respondents to settle retiral benefits due to the petitioner, within a time frame.

4. Mr.S.Thangavel, learned Special Government Pleader appearing for the respondents has no objection to such a direction being issued, if there is no legal impediment for the respondents.

5. In view of the fair stand taken by the learned counsel on either side, this Court without going into the merits of the case, issues a direction to the respondents to settle the terminal benefits due to the petitioner, if disciplinary proceedings had ended in favour of the petitioner or otherwise if there is no legal impediment for settlement of the terminal benefits upon conclusion of the disciplinary proceedings, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Secretary to the Government,
Public Works (E1) Department,
Secretariat, Fort St. George, Chennai - 600 009.
 2. The Chief Engineer (Buildings),
Chennai Region, Public Works Department,
Chepauk, Chennai - 600 005.
 3. The Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 600 005.
- +1cc to the Government Pleader, Sr.No.40383

W.P.No.29391 of 2013

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