

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No. 32559 of 2013

and

M.P.No.1 of 2013

P.P.Kuppan

.. Petitioner

- Vs -

Dharmapuri District Co-operative

Sugar Mills Ltd.,

Rep.by it Managing Director,

Jerthalav Post,

Palacode Taluk,

Dharmapuri District 636 808.

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondent to calculate approve and pay the gratuity, provident fund and leave salary with all other retirement benefits to the petitioner forthwith.

For Petitioner : Mr.Ethirajulu

For Respondents: Mr.L.P.Shanmugasundaram, Spl.G.P

ORDER

The case of the petitioner is that the petitioner while working as Clerk in the Respondent Cooperative Sugar Mill, was implicated in a criminal case as if the petitioner is a practising as Allopathic Doctor. The law enforcing agency registered a case in Cr.No.607/2012 and the petitioner was remanded to judicial custody. Since the petitioner was found involved in the criminal case and remanded to judicial custody, the respondent sugar mill placed the petitioner under suspension and he was issued a charge memo on 13.02.2013. Thereafter, the petitioner retired from service on 31.08.2013 and the respondent Cooperative sugar mill also allowed the petitioner to retire from service without passing any order on the charge memo issued to the petitioner. However the retirement benefits were not given to the petitioner citing the reason that the criminal case was pending against him. In the meanwhile in the year

2013, the criminal case registered by the law enforcing agency ended in acquittal. Since the terminal benefits were not settled inspite of the acquittal of the petitioner, the present writ petition was filed with the above said prayer.

2. Learned counsel appearing for the petitioner submitted that though the petitioner was placed under suspension and issued with a charge memo in the year 2013 for his involvement in a criminal case, which ultimately ended in acquittal, the respondents having not proceeded with the charge memo, inspite of a long lapse of time, there is no legal impediment for the respondent to settle the retirement benefits in favour of the petitioner and, therefore, this Court may issue a direction to the respondent to settle the terminal benefits within a reasonable time as fixed by this Court.

3. On the above contentions this Court heard the learned counsel appearing for the respondents and perused the materials available on record.

4. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner and further the fact that the petitioner was only served with a charge memo, which has not been proceeded any further and that the criminal case against the petitioner also ending in acquittal of the petitioner, and the above facts having not been disputed by the respondents, this Court is directs the respondent to take a decision in respect of the charge memo dated 13.02.2013, within a period of three months from the date of receipt of copy of this order and pursuant to the outcome of the said charge memo, the respondent is directed to settle the terminal benefits in favour of the petitioner.

5. With the above direction, this present writ petition is disposed off. However there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-)

True Copy

Sub-Assistant Registrar

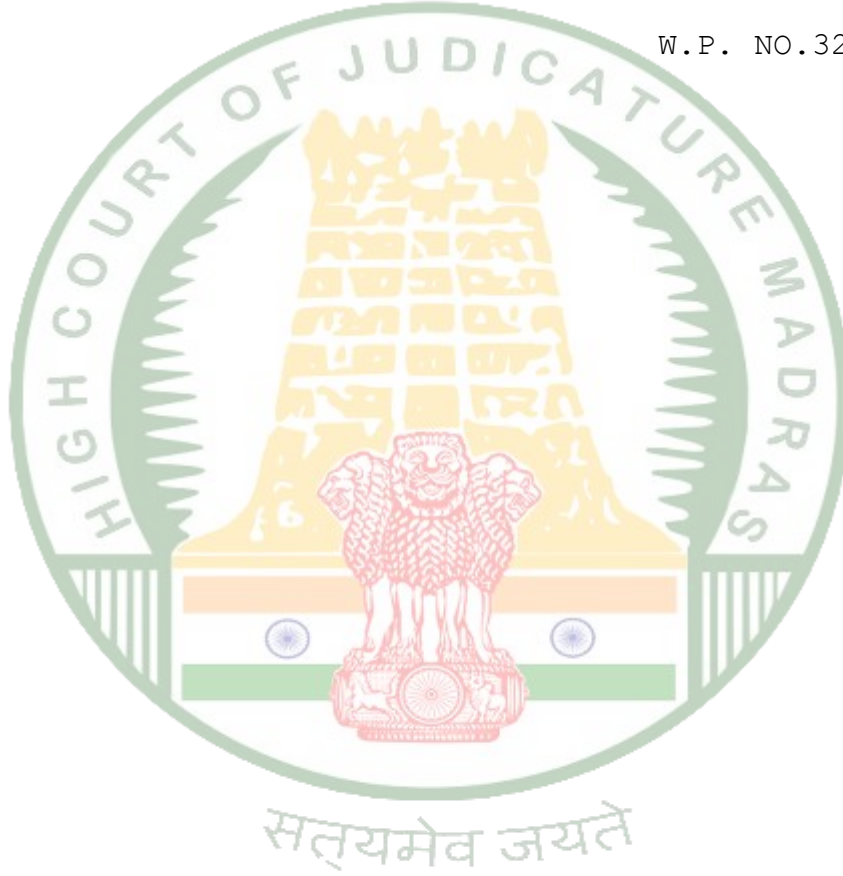
To

The Managing Director,
Dharmapuri District Co-operative
Sugar Mills Ltd.,
Jerthalav Post, Palacode Taluk,
Dharmapuri District 636 808.

+1 cc to Mr.G.Ethirajulu, Advocate,SR.25262.

Sks (co)
krd 24/8

W.P. NO.32559 OF 2013



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