

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.M.P.No.7860 of 2020 in W.A.SR.No.45790 of 2020

1. The Secretary to Government
Government of Tamil Nadu
Revenue Department, Secretariat
Chennai 600 009.
 - 2.The Commissioner of Revenue Administration
Chepauk, Chennai 600 005.
 - 3.The District Collector, Cuddalore District
Cuddalore.
- .. Petitioners

R.Rangarajan

-VS-

.. Respondent

Petition under Section 5 of the Limitation Act to condone the delay of 42 days in filing the above Writ Appeal against the order dated 21.10.2019 made in W.P.No.29441 of 2019.

For Petitioners

: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

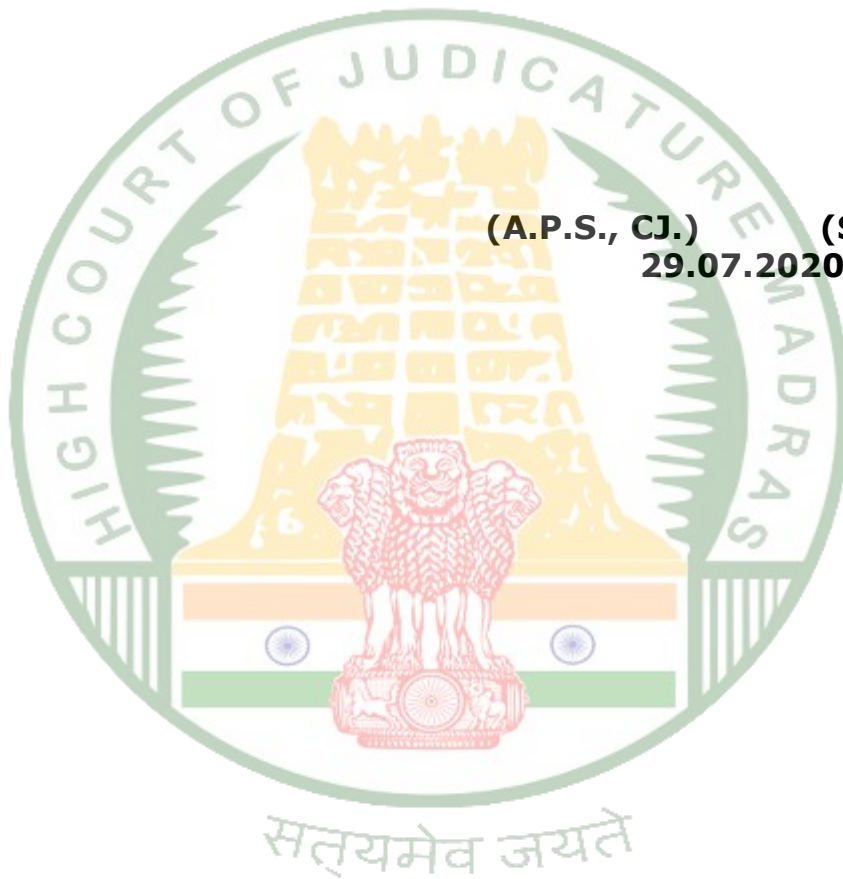
(Order made by The Hon'ble Chief Justice)

Learned Special Government Pleader, relying on Rule 69 of the Tamil Nadu Pension Rules, 1976 particularly Rule 69(1)(b), contends that the learned Single Judge has not appreciated the said Rule in correct perspective, whereby the State is entitled to withhold post retirement benefits in such cases, where there are graft charges pending consideration either on the criminal or on the disciplinary side. In the instant case, the contention is that a criminal case of cheating and embezzlement has been registered against the respondent, which is pending before the learned Judicial Magistrate, Chidambaram and departmental proceedings have also been initiated. In the said background, the release of such retiral benefits may not be permissible.

2. On the other hand, the entitlement of payments post retirement where the nature of the payments cannot be withheld had been dealt with by this Court in **"The Chief Secretary to Government -Vs- M.Uthiraswamy"** in **W.A.No.4018 of 2019** decided on 22.11.2019 and therefore, the matter deserves to be

examined. Accordingly, we find sufficient cause having been shown in the affidavit filed in support of the delay condonation application, the same is allowed and the delay is condoned. The appeal shall be treated to be filed within time and be given the regular number.

KST



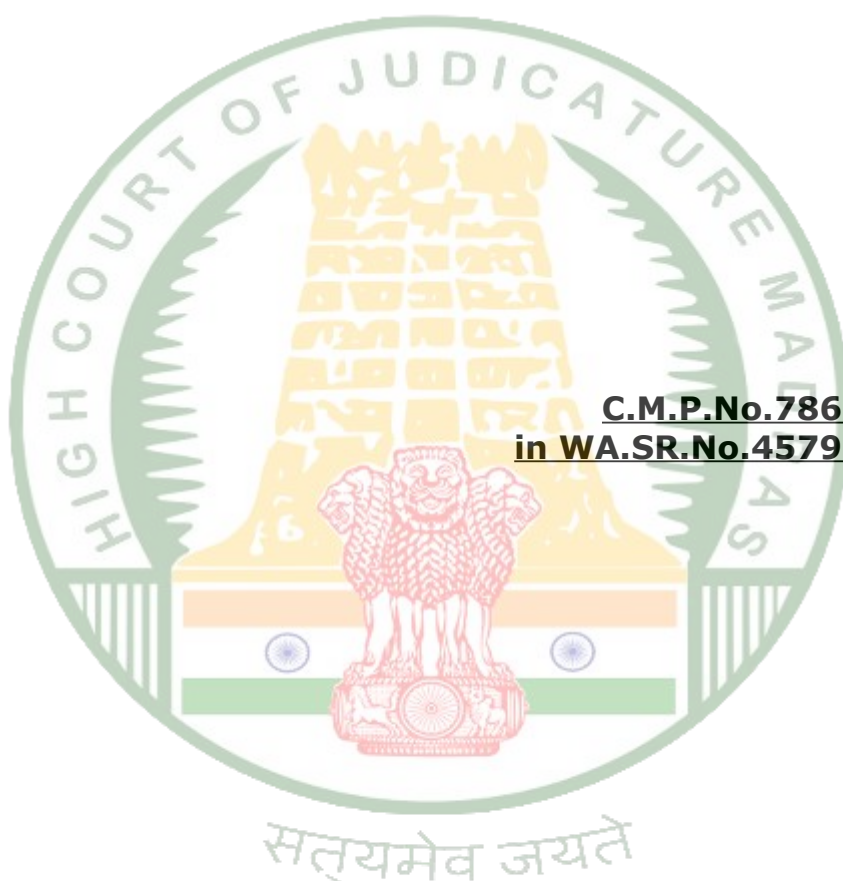
(A.P.S., CJ.) (S.K.R., J.)
29.07.2020

WEB COPY

C.M.P.No.7860 of 2020 in WA.SR.No.45790 of 2020

**The Hon'ble Chief Justice
and
Senthilkumar Ramamoorthy, J.**

(kst)



**C.M.P.No.7860 of 2020
in WA.SR.No.45790 of 2020**

WEB COPY

29.07.2020