

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2020

Coram

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.21524 of 2014

and

MP No.1 of 2014

S. Subbharao

...Petitioner

-vs -

1. The Government of Tamil Nadu
Represented by its Principal Secretary,
Revenue Department,
Fort St. George, Chennai - 9.
 2. The Special Commissioner for Revenue Administration,
Chepauk, Chennai - 5.
 3. The District Collector,
Tiruppur District.
 4. The Revenue Divisional Officer,
Tiruppur.
- ...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus by calling for the records relating to the fourth respondent herein in Mu.Mu.692/2013/A3, dated 3.4.2013 and quash the same and consequently direct the 4th respondent to regularise the suspension period from 24.8.1984 to 4.1.1986 and the period from 11.12.1988 to 20.5.1992 by invoking Fundamental Rule 54 after giving due opportunity to the petitioner and also regularise the period from 21.9.1988 to 10.12.1988 and the period from 21.5.1992 to 14.6.1992 as compulsory wait as the petitioner was not given any posting during that period and consequently confer pension forthwith and settle all the retirement benefits with 18% interest including arrears of pension.

For Petitioner : Mr.R.S.Anandan

For Respondents : Mr.S.Thangavel
Special government Pleader

ORDER

(This case has been heard through video conference)

This writ petition has been filed to call for the records relating to the fourth respondent herein in Mu.Mu.692/2013/A3, dated 3.4.2013 and quash the same and for a consequential direction to regularise the suspension period by invoking Fundamental Rule 54 and also regularise the period of compulsory wait and further confer pension forthwith and settle all the retiral benefits with interest, including arrears of pension.

2. The case of the petitioner that while in service, he was suspended and after enquiry, report was filed holding the charges proved and the disciplinary authority awarded punishment of dismissal from service. Subsequently, appeal filed before the authority was also rejected confirming the said punishment. Review petition filed by the petitioner was allowed setting aside the order of punishment and, accordingly, the petitioner was reinstated in service. In another incident as well, he was placed under suspension but was subsequently re-instated. However, the period of suspension was not regularised and he was not granted periodical increments, etc., but the petitioner was permitted to retire from service on the date of superannuation without regularising the services of the petitioner. The act of the respondent in not regularising the suspension period, but allowing the petitioner to retire from service have caused grave prejudice to the petitioner which has resulted in the filing of the present petition.

3. The learned counsel appearing for the petitioner submitted that though the orders of punishment of dismissal from service against the petitioner was set aside and final orders were passed, the periods of suspension were not regularised and retiral benefits have not been awarded properly, inspite of representation submitted by the petitioner. Therefore, he prays that the petitioner may be permitted to submit a representation, which shall be considered by the respondents in accordance with law within a time frame to be fixed by this Court.

4. The learned Special Government Pleader submits that if the petitioner is directed to submit the representation afresh, the same would be considered on merits and in accordance with law within the time frame fixed by this Court.

5. In view of the limited relief sought for, this court without going into the merits of the issue, directs the petitioner to submit a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation,

the fourth respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of twelve weeks thereafter.

6. With the aforesaid directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai - 9.
2. The Special Commissioner for Revenue Administration,
Chepauk, Chennai - 5.
3. The District Collector,
Tiruppur District.
4. The Revenue Divisional Officer,
Tiruppur.

+lcc to M/s.R.S.Anandan, Advocate, Sr.No.35173
+lcc to the Government Pleader, Sr.No.35470

सत्यमेव जयते W.P. No.21524 of 2014

rsv (co)
rr ii (02/12/2020)

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