

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.02.2020
CORAM:

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 30096 of 2017
and WMP.No. 32671 of 2017 & 5455 of 2020

G.Aneetchan

..Petitioner

Vs

1.The Director,
Local Administration Department,
Government of Puducherry,
Puducherry.

2. The Principal
Government Industrial Training Institute for Women
Vambakeerapalayam,
Puducherry.

3.The Director of Accounts and Treasuries
Government of Puducherry,
Puducherry.

4.The Superintendent of Police,
Central Bureau of Investigation,
Anticorruption Branch, 3rd Floor, Sastri Bhavan,
Chennai -600006.

(R4 Impleaded vide order of this Court
dated 24.01.2019)

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondents to release the petitioner's retirement
benefits including Gratuity, Pension (arrears and future) and
payment of cash equivalent of leave salary to the petitioner by
considering the request made by the petitioner.

For Petitioner : M/s.V.Manohar

For Respondents : Mr.J. Kumaran, AGP(P) -
For R1 to R3
Mr.K.Srinivasan - For R4

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents to release the petitioner's retirement benefits including Gratuity, Pension (arrears and future) and payment of cash equivalent of leave salary to the petitioner by considering the request made by the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader (Puducherry) appearing for the respondents 1 to 3 and the learned standing counsel appearing for the 4th respondent.

3. The learned counsel for the petitioner submitted that the writ petitioner was worked as Superintendent in Government I.T.I for Women, Puducherry and attained superannuation on 31.12.2012. While he was working as Commissioner, Villianur Commune Panchayat, Puducherry, he was charged with an allegation that he received a bribe of Rs.5,000/- and suspended from service. A criminal case was registered in Spl.C.C. No. 4 of 2010 on the file of the Principal Sessions and Special Judge, Puducherry. The trial Court has convicted the petitioner for the offences under Sections 7 and 13(2) r/w13(1)(a) of the Prevention of Corruption Act, 1988, by judgment dated 07.03.2014 and sentenced him to undergo four years rigorous imprisonment and fine of Rs.25,000/- in default,, to undergo one year rigorous imprisonment for the offence under Section 7 of the Prevention of Corruption Act, 1988 and four years rigorous imprisonment and fine of Rs.25,000/- in default, one year rigorous imprisonment for the offence under Section 13(2) r/w13(1)(a) of the Prevention of Corruption Act, 1988. Challenging the aforesaid judgment of the trial Court, the writ petitioner has filed a Crl.Appeal No.145 of 2014 before this Court. This Court by judgment dated 12.12.2017 set aside the conviction passed by the trial Court.

4. According to the learned counsel for the petitioner, in view of the acquittal from the aforesaid criminal case, the writ petitioner is entitled for the terminal benefits, but the respondent has not settled the benefits to the petitioner for the past two years.

5. The learned standing counsel appearing for the 4th respondent/CBI clarified before this Court that the department has not preferred any appeal against the judgment passed by this Court in Crl.Appeal No.145 of 2014 dated 12.12.2017. Therefore, the directions issued in the aforesaid judgment has become final.

6. The learned Additional Government Pleader, Puducherry has submitted that since the appellate court has reversed the decision of the trial Court, the writ petitioner has become eligible to get the benefits. The learned Additional Government Pleader, Puducherry further submitted that if the writ petitioner submits fresh representation to the respondents, the same shall be considered as per Rules, within a time frame as fixed by this Court.

7. In the light of the Judgment passed by this Court in Crl.Appeal No.145 of 2014 dated 12.12.2017 and the submissions made by both sides, this Court is inclined to grant benefits to the writ petitioner. Accordingly, following directions are issued;

(i) The writ petitioner shall make fresh representation to the first respondent through proper channel within a period of one week from the date of receipt of a copy of this Order.

(ii) On receipt of such representation, the first respondent shall consider the said representation of the petitioner and sanction the retirement benefits and other monetary benefits as per Rules, as expeditiously as possible, within a period of twelve weeks thereafter.

(iii) The interest for the arrears amount shall be as per Rules.

8. With the above directions the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition are closed.

Sd/-
सत्यमेव जयते Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Local Administration Department,
Government of Puducherry,
Puducherry.

2. The Principal
Government Industrial Training Institute for Women
Vambakeerapalayam,
Puducherry.

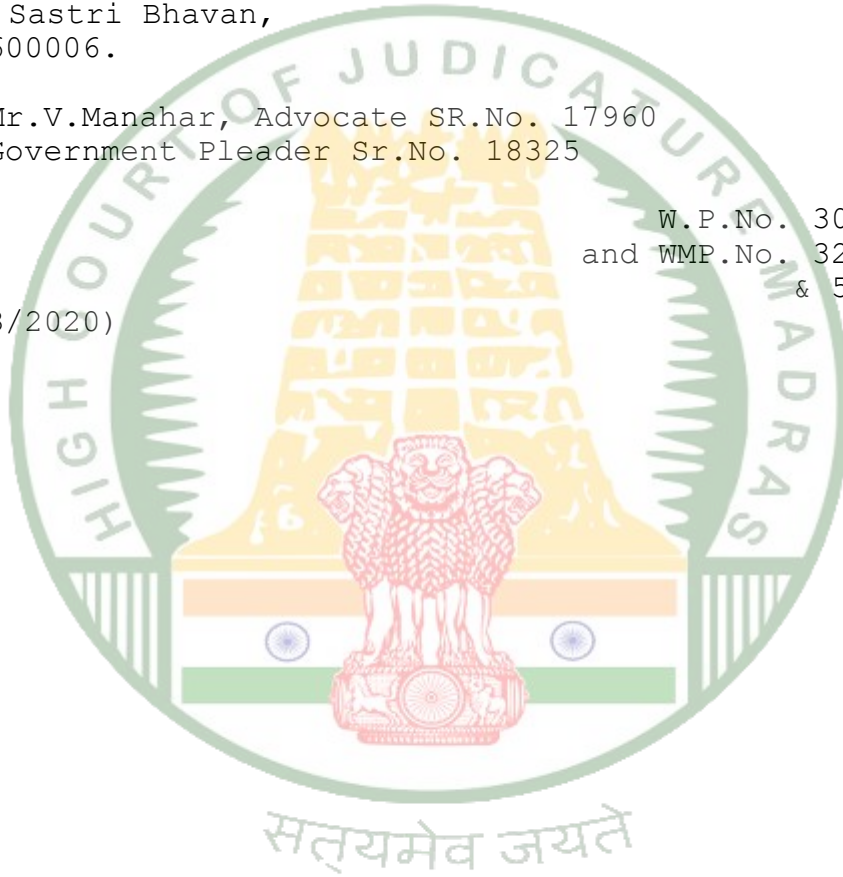
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4.The Superintendent of Police,
Central Bureau of Investigation,
Anticorruption Branch,
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Chennai -600006.

+2ccs to Mr.V.Manahar, Advocate SR.No. 17960
+1 cc to Government Pleader Sr.No. 18325

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& 5455 of 2020

A.SK(11/03/2020)



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