



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2020

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P (MD) No.4998 of 2020
and
W.M.P (MD) No.4364 of 2020

D.Packiyalakshmi

.. Petitioner

Vs.

1.The District Collector,
O/o.the Collectorate,
Virudhunagar District.

2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Aruppukottai, Virudhunagar District.

3.The Tashildar,
O/o.the Taluk Office,
Aruppukottai, Virudhunagar District.

.. Respondents

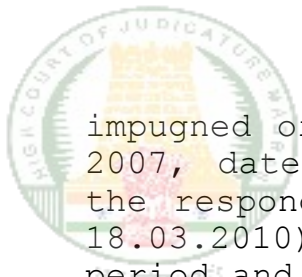
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent vide in Na.Ka.No.A1 / 7781 / 2007 dated 07.01.2019 and quash the same and consequently direct the respondents to treat the suspension period (from 06.11.2007 to 18.03.2010) of the petitioner's husband late.Duraipandi as duty period and to provide the monitory benefits i.e. , General Provident Fund, Encashment of Leave Salary and Special Provident including the suspension period from (06.11.2007 to 18.03.2010) of the petitioner's husband late. Duraipandi, as duty period to the petitioner within a time frame that may be fixed by this Court and pass such further or other orders.

For Petitioner : Mr.V.Muthuvelan

For Respondents : Mr.M.Rajarajan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the



impugned order passed by the 2nd respondent in Na.Ka.No.A1 / 7781 / 2007, dated 07.01.2019 and quash the same and consequently direct the respondents to treat the suspension period (from 06.11.2007 to 18.03.2010) of the petitioner's husband late.Duraipandi as duty period and to provide the monetary benefits i.e. , General Provident Fund, Encashment of Leave Salary and Special Provident Fund including the suspension period from (06.11.2007 to 18.03.2010) of the petitioner's husband late. Duraipandi, as duty period, to the petitioner within a time frame that may be fixed by this Court and pass such further or other orders.

2.Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that her husband viz., Duraipandi joined as Village Administrative Officer and lastly, he served at Kovilamgulam Village, Aruppukottai Taluk. While he was on duty, on 05.11.2007, he was arrested and remanded to judicial custody in respect of a criminal case registered in Crime No.8 of 2007 for the alleged offences under Sections 7 and 13(2)(d) read with 13(1)(d) of the Prevention of Corruption Act, 1988. Due to which, he was suspended from service on 06.11.2007 and the suspension period was extended till 18.03.2010 and thereafter, it was revoked. On 30.04.2013, he was relieved from service on attaining the age of superannuation, but he was not allowed to retire due to pendency of the criminal case. Subsequently, he was convicted in the criminal case on 20.11.2018, against which, he preferred an appeal in CrI.A(MD)No.102 of 2019. On 07.01.2019, he was removed from service. Pending criminal appeal, he died on 14.07.2019 and therefore, the criminal appeal was dismissed as abated.

4.According to the petitioner, while her husband was alive, he rejoined duty on 19.03.2010, but his suspension period from 06.11.2007 to 18.03.2010, was not treated as duty period. Therefore, she sent a detailed representation dated 13.01.2020 to the respondents, seeking to notionally revoked the suspension period and treat that period as duty period and settle the monetary benefits to her. Since the same has not been considered by the respondents, the petitioner filed W.P(MD)No.2327 of 2020 before this Court and this Court, dismissed the same with liberty file a writ petition challenging the termination order. Therefore, the petitioner has come up with the present writ petition challenging the termination order passed by the 2nd respondent, dated 07.01.2019.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.



6. Though the learned counsel for the petitioner has sought for larger relief, he would pray that it would suffice if a direction is given to the 3rd respondent to provide the monetary benefits of the petitioner's husband, to the petitioner within a time frame.

7. The learned Government Advocate appearing for the respondents would submit that the petitioner has been paid with a sum of Rs.5,27,778/- towards General Provident Fund and what is due is only the Special Provident Fund and the same shall be paid within the time frame to be fixed by this Court.

8. Considering the submissions made on either side, this Court, directs the third respondent to pay the Special Provident Fund amount lying in the credit of the petitioner's husband, to the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order.

9. With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (C.S.II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The District Collector,
O/o.the Collectorate,
Virudhunagar District.
2. The Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Aruppukottai, Virudhunagar District.
3. The Tashildar,
O/o.the Taluk Office,
Aruppukottai, Virudhunagar District.

+3 CC to M/s.V.MUTHUVELAN, Advocate (SR-11827[F] dated 16/03/2020)
+1 CC to M/s.SPL.GP (SR-12014[F] dated 17/03/2020)

ORDER MADE IN
W.P(MD)No.4998 of 2020
16.03.2020