



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.14037 of 2020

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K.Andy

... Petitioner

Vs.

1.The Director,
Adi Dravidar & Tribal Welfare Office,
Cheppakam, Ezilagam,
Chennai-5.

2.The District Adi Dravidar and Tribal
Welfare Officer,
Dindigul District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to disburse the petitioner terminal cum retirement benefits within reasonable time as may be fixed by this Court.

For Petitioner	: Mr.S.Ramasamy
For Respondents	: Mr.K.P.Narayanakumar Special Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed to direct the respondents herein to disburse the petitioner's terminal-cum-retirement benefits within a reasonable time as may be fixed by this Court.

3.Mr.S.Ramasamy, learned counsel for the petitioner would submit that when the petitioner was working as Headmaster-Cum-Warden in Government Adi Dravidar Welfare Primary School, Nilakottai, the Special Tahsildar of Adi Dravidar Welfare has given a criminal complaint against him. On receipt of the complaint, the Inspector of Police, Thandikudi Police Station has registered a case in Crime No.48/2005 for the offences under Sections 468 and 420 of I.P.C. After registration of the criminal case, the second respondent has suspended the petitioner by an order dated 31.03.2007 in B.O.No.113/87840/2006 and also the petitioner was not permitted to



retire from service on 31.03.2007. Subsequently, the departmental proceedings was initiated against him and the charges have also been framed. In the meantime, the petitioner was acquitted from the criminal case vide order of the learned Judicial Magistrate, Kodaikannal, dated 03.10.2018.

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4.The learned counsel for the petitioner would further submit that with regard to the charges, an enquiry has been completed and the petitioner was given a punishment of reversal of salary and grade. Against the said order, the petitioner has not preferred any appeal. In the said circumstances, there is no impediment for releasing his terminal -cum-retirement benefits by the respondents herein. Hence, the petitioner has given a detailed representation on 30.10.2018 seeking to disburse his terminal-cum-retirement benefits and the same has not been considered by the respondents till date.

5.Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the respondents would fairly submit that appropriate order may be issued to dispose of the representation.

6.Upon considering the submission made by learned counsel appearing on either side and on perusal of the records, it appears that there is an inordinate delay in decision making process on the part of the respondents in disposing of the representation that too punishment was also awarded and the same has not been challenged by the petitioner. At this juncture, the work of the respondents is only to provide a reversal and calculate pensionary benefits, for which I do not see any justifiable grounds for the delay in disposal of the representation on the part of the respondents. Therefore, I am constrained to pass the following orders:-

The second respondent is directed to dispose of the petitioner's representation dated 30.10.2018 within a period of four weeks from the date of receipt of a copy of this order on merits and in accordance with law.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The Director,
Adi Dravidar & Tribal Welfare Office,
Cheppakam, Ezilagam,
Chennai-5.
2. The District Adi Dravidar and Tribal
Welfare Officer,
Dindigul District.

+1 CC to the SPL GP (SR-19917[F] dated 13/10/2020)

W.P. [MD]No.14037 of 2020
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