



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2020

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.11868 of 2014

S.Ramalingam

... Petitioner

vs.

1.The Regional Manager,
Tamil Nadu Forest Plantation Corporation Ltd.,
(TAFCON), Karaikudi Region,
Karaikudi, Sivagangai District.

2.The Regional Manager,
Tamilnadu Forest Plantation Corporation Ltd.,
(TAFCON), Aranthangi Region,
Aranthangi, Pudukottai District.

3.The Managing Director,
Tamil Nadu Forest Plantation Corporation Ltd.,
Karur Main Road, Mallachipuram,
Kambarasanpatti Post,
Trichirappalli District.

... Respondents

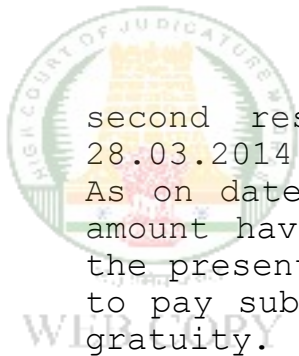
PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondent to sanction the Gratuity Amount and surrender Leave Encashment amount to the petitioner based on the petitioner's representation dated 03.04.2014.

For Petitioner	: Mr.RM.Arun Swaminathan
For R1 & R2	: Mr.J.Gunaseelan Muthaiah, Additional Government Pleader
For R3	: No appearance

ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondent to sanction the Gratuity Amount and surrender Leave Encashment amount to the petitioner based on the petitioner's representation dated 03.04.2014.

2. The petitioner was appointed as Forest Watcher on 10.12.1977, subsequently promoted as a Guard in the year 1987 and attained Special Grade Forester on 25.08.2007 and he was to retire from service on attaining the age of superannuation on 31.03.2014. On the date of retirement, he was placed under suspension by the



second respondent as per the proceedings No.4420/2014/E, dated 28.03.2014. The said impugned order has been served on 29.03.2014. As on date, no such Gratuity amount and surrender leave encashment amount have been given to him. Therefore, the petitioner has filed the present writ petition seeking direction to the second respondent to pay subsistence allowance, surrender leave encashment amount and gratuity.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2 and perused the materials available on record.

4. It is found that the petitioner was suspended from service on 28.03.2014 as per the proceedings No.4420/2014/E, dated 28.03.2014 and the same has been served on him on 29.03.2014. The petitioner has filed this petition stating that the suspension order is a non-speaking order. It is also found that no enquiry has been conducted and the same was denied by the learned Additional Government Pleader stating that the enquiry has been conducted, but no final order has been passed.

5. In view of the above, this Court directs the enquiry officer to file a final report, if there was any enquiry conducted and pending for filing the final report, within a period of eight weeks from the date of receipt of a copy of this order. If no enquiry has been conducted, the respondents shall appoint an enquiry officer and thereafter, enquiry has to be completed within a period of twelve weeks from the date of appointment of enquiry officer. The petitioner is directed to co-operate with the enquiry without seeking unnecessary adjournments and final order has to be passed after giving sufficient opportunity to the petitioner.

6. In view of the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Regional Manager,
Tamil Nadu Forest Plantation Corporation Ltd.,
(TAFCON), Karaikudi Region,
Karaikudi, Sivagangai District.

2.The Regional Manager,
Tamilnadu Forest Plantation Corporation Ltd.,
(TAFCON), Aranthangi Region,
Aranthangi, Pudukottai District.

+1 CC to M/s.SPL GP (SR-13072[F] dated 04/06/2020)

W.P (MD) No.11868 of 2014
04.06.2020

AP(18/06/2020) 3P 4C