



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.6276 of 2014

P.Pandithurai

... Petitioner

-Vs-

1.The Secretary to Government of Tamil Nadu,
(Agricultural (paka) Department),
St. George Fort, Chennai.

2.The Registrar,
Tamil Nadu Agricultural University,
Coimbatore-3.

3.The Controller,
Tamil Nadu Agricultural University,
Coimbatore-3.

4.The Dean,
Tamil Nadu Agricultural College and
Research Institute, Madurai
Agricultural College Post,
Madurai-625 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the retirement benefits, pension, arrears of salary, gratuity, subsistence allowance, other monetary benefits, grant terminal benefit and family pension etc., to the petitioner by taking into account of the petitioner's continuous service from 16.02.1968 till the date of his retirement on 31.08.2001 in accordance with law.

For Petitioner : Mr.T.Lajapathi Roy

For R1 : Mr.P.Mahendran
Additional Government Pleader

For R2 and R4 : Mr.A.Thirumurthy

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

: No Appearance



ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to pay the retirement benefits, pension, arrears of salary, gratuity, subsistence allowance, other monetary benefits, grant terminal benefit and family pension etc.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner was working as Pump fitter with effect from 16.02.1968 to 06.11.1983 for about 15 years, 8 months and 21 days. A criminal case was registered against the writ petitioner under Section 302 IPC and he was initially convicted for life. On appeal the punishment was reduced to six months imprisonment. The respondents have reconsidered the case of the writ petitioner and he was appointed as a fresh candidate with effect from 23.12.1988. The petitioner was allowed to continue in service till he attained the age of superannuation on 31.08.2001.

3.The learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the respondents 2 and 4 submitted that the case of the writ petitioner was considered despite the fact he was convicted in a criminal case and he was allowed to continue in service till he attained the age of superannuation on 31.08.2001 and all the pensionary benefits for the services rendered by him from 18.08.2001 had already been settled in his favour and he had received the said retirement benefits without raising any objection.

4.This Court is of the considered opinion that the writ petitioner had accepted the fresh appointment with effect from 23.12.1988 and served till 31.08.2001. The terminal benefits were settled in the year 2001 and the writ petitioner had received the said benefits without raising any objection. The writ petition is filed after a lapse of about 13 years from the date of retirement and after accepting the retirement benefits is settled by the respondents. Thus, the writ petition is liable to be dismissed on the ground of laches. Even on merits, the writ petitioner could not able to establish any acceptable ground.

5.Thus, the writ petition stands dismissed on laches as well as on the ground that the writ petitioner had received the pensionary benefits in the year 2001 itself.



6. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar (CS)

sjj

To
The Secretary to Government of Tamil Nadu,
(Agricultural (paka) Department),
St. George Fort, Chennai.

2. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore-3.

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+1 CC to M/s.A. THIRUMURTHY, Advocate (SR-19224[F] dated 06/10/2020)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-19286[F] dated 07/10/2020)

+1 CC to M/s.GP (SR-19341[F] dated 07/10/2020)

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TR (14.10.2020) 3P 8C