



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 30.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P.No.22101 of 2008

(Through Video Conference)

- 1) G.Mani (deceased)
- 2) Gajalakshmi
- 3) Krishnakumari
- 4) Sujatha
- 5) Gayathri

...Petitioners

Vs

- 1) The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005
- 2) The Commissioner,
Avadi Municipality,
Avadi, Chennai 600 054
- 3) The Commissioner,
Vellore Municipality,
Vellore.
- 4) The Commissioner,
Ambathur Municipality,
Chennai 600 053

...Respondents

* P2 to 5 are impleaded as legal heirs of the deceased G.Mani, vide order of this Court dated 26.07.2018 in M.P.No.1 of 2014

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the concerned records relating to the Charge memo No.Na.Ka.No.9838/03/C1 dated 22.01.2004 passed by the 2nd respondent and Charge memo No. Na.Ka.No.11664/04/A1 dated 04.02.2004 issued by the 4th respondent Charge Memo No.Na.Ka.No. C1/13715/03 dated 04.02.2004 passed by the 3rd Respondent and quash the same and consequently direct the 1st respondent to settle all retirement benefits to the petitioner together with interest of the rate of 9% per annum.



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For Petitioner : Mr.M.Gnanasekar

For R-1 : Mr.C.Selvaraj,
Government Advocate

For RR 2 & 4 : Mr.P.Srinivas,
Standing Counsel

For R-3 : Mr.P.Shanthi

O R D E R

The petitioner, while working as a Revenue Inspector, was issued with charge memos by the Vellore Municipality, dated 04/02/2004, Ambattur Municipality, dated 02/04/2004 and Avadi Municipality, dated 22/01/2004. However, he attained the age of superannuation on 29/02/2004, but he was placed under suspension and was not permitted to retire. The petitioner has challenged the charge memos issued by the Municipalities in the present Writ Petition. During the pendency of the Writ Petition, the petitioner died on 26/08/2010. Thereafter, the legal representatives were substituted in his place and are pursuing the Writ Petition.

2. When the matter was taken up for hearing, on instructions, Mr.P.Srinivas learned Senior Counsel for the respondents would submit that on 31/08/2019 all the charges framed against the petitioner had been dropped and they have sent a proposal to the Local Fund Audit for the grant of Family Pension. It is noted that an enquiry was conducted pertaining to the charges framed and an enquiry report was submitted and after that, there was no progress and no final orders were passed till the death of the petitioner.

3. It is well settled Principle of Law that the disciplinary proceedings abates on the death of the delinquent. In this case, admittedly, the delinquent died on 26/08/2010 and the charge against him stands abated. Accordingly, the respondents have also passed an order dropping the charges on 31/08/2019. Therefore, the legal representatives of the petitioner are entitled to all terminal benefits, as if there has been no charge memo against the petitioner and consequently, they are entitled to Family Pension, if it is provided under law.

4. Accordingly, the prayer in the Writ Petition is satisfied and a direction is given to the respondents to settle the terminal benefits within a period of three(03) months from the date of receipt of the order copy and process the application for Family Pension, as expeditiously as possible.



5. The Writ Petition is disposed of with the above directions.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sts

To:

- 1) The Commissioner of Municipal Administration,
Chepauk,
Chennai 600 005.
- 2) The Commissioner,
Avadi Municipality,
Avadi,
Chennai 600 054.
- 3) The Commissioner,
Vellore Municipality,
Vellore.
- 4) The Commissioner,
Ambathur Municipality,
Chennai 600 053.

+lcc to Mr.M.Gnanasekar, Advocate, S.R.No.36895
+lcc to M/s.P.Shanthi, Advocate, S.R.No.37222
+lcc to the Government Pleader, S.R.No.37384

W.P.No.22101 of 2008

GSM[co]
NSK 14/09/2021