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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 17108 of 2013

and

1. MP.No.1 of 2013

1. S.Jayaraman (deceased)

2. Palaniyammal

3. Kalpana

4. Kavitha

..Petitioners

(Petitioners 2 to 4 are impleaded

vide order of this Court dated 08.12.2021

made in WMP No.11297/2021]

Vs

1. The State of Tamil Nadu, rep.by its
Secretary to Government,
Cooperation, Food & Consumer Protection
Department,
Secretariat, Chennai -600009.

2. The Accountant General (A&E)
Tamil Nadu Circle,
361, Anna Salai
Chennai-600018.

3. The Financial Advisor & Chief Accounts Officer,
Office of the Registrar of Cooperative Societies,
NVN Natarajan Maaligai,
No.170, EVR Periyar High Road,
Kilpauk, Chennai -600010.

..Respondents

Prayer: writ petition is filed under Article 226 of Constitution of India for Writ of Certiorarified Mandamus, Calling for the entire records relating to the impugned order passed by the 1st respondent in Government in G.O.(D) No.20 Cooperation Food & Consumer Protection Department dated 31.1.2013 in so far as it relates to the imposing of a condition that the orders are passed without prejudice to the surcharge action pending against



him and the consequential orders passed by the 3rd respondent in his proceedings Rc. No.8447/ 2013 P1(1) dated 25.3.2013 and quash the same and consequently direct the respondents to regularise and settle the Regular Pension Death-cum-Retirement Gratuity etc. with 12% interest from the date of retirement on 31.1.2013 within a reasonable period fixed by this Court.

For Petitioner : K.Premkumar

For Respondent : Mr.S.Arumugam, GA- R1 & R3

: Mr.V.Murali - R2

O R D E R

The relief sought for in the writ petition is to call for the entire records relating to the impugned order passed by the 1st respondent in Government in G.O.(D) No.20 Cooperation Food & Consumer Protection Department dated 31.1.2013 in so far as it relates to the imposing of a condition that the orders are passed without prejudice to the surcharge action pending against him and to regularise and settle the Regular Pension Death-cum-Retirement Gratuity etc. with 12% interest from the date of retirement on 31.1.2013.

2. The learned counsel for the petitioners fairly submitted that after retirement, the surcharge proceedings pending against the petitioner were concluded and the entire amount was recovered by the department. The learned counsel for the petitioner has further submitted that the petitioner died on 30.05.2020 and an application to substitute the legal heirs of the petitioner was also filed before this Court as the legal heirs of the deceased petitioner are entitled to receive the service benefits of the deceased petitioner. Therefore, to that extent, the learned counsel for the petitioner seeks direction to the appropriate authority to disburse the service benefits to the legal heirs of the deceased petitioner.

3. In view of the submissions made by the learned counsel for the petitioner that the surcharge proceedings pending against the petitioner are concluded and the entire amount was also recovered by the department, the prayer sought for in the writ petition has automatically become infructuous. However, considering the fact that the legal heirs of the petitioner are also entitled to receive the service benefits of the deceased petitioner, this Court is inclined to issue the following directions;



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i. The impleaded petitioners/legal heirs of the deceased petitioner are directed to make representation before the authorities concerned, seeking service benefits of the deceased along with the copy of this order.

ii. On receipt of such representation, the 1st respondent shall consider and dispose of the said representation as expeditiously as possible.

4. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Cooperation, Food & Consumer Protection
Department,
Secretariat, Chennai -600009.
2. The Accountant General (A&E)
Tamil Nadu Circle,
361, Anna Salai, Chennai-600018.
3. The Financial Advisor & Chief Accounts Officer,
O/o the Registrar of Cooperative Societies,
NVN Natarajan Maaligai,
No.170, EVR Periyar High Road,
Kilpauk, Chennai -600010.

+1cc to Mr.K.Premkumar, Advocate, S.R.No.65108

+1cc to the Government Pleader, S.R.No.65314

W.P.Nos. 17108 of 2013
and MP.No.1 of 2013

PVS (CO)
SU(10/01/2022)