

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4212 of 2021

and

W.M.P.Nos.4811 & 4812 of 2021

(Heard through VC)

C.Ambikapathi

...Petitioner

-vs-

1.The Secretary,  
Tamil Nadu Government Housing and Urban  
Development Department,  
Fort St.George,  
Chennai - 600 009.

2.The Managing Director,  
Tamil Nadu Housing Board,  
Anna salai, Nandanam,  
Chennai - 600 035.

3.The Administrative Officer,  
493, Anna Salai,  
Nandanam,  
Chennai - 600 035.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the impugned letter vide letter No.ONP7/79355/1993 passed by the 3<sup>rd</sup> respondent dated 09.07.2019 and quash the same and further direct the respondents to grant all terminal and monetary benefits towards the petitioner from the date of dismissal of service.

For Petitioner : Mr.V.Elumalai

For Respondent-1 : Mr.P.Karthikeyan  
Additional Government Pleader

O R D E R

The petitioner has come forward with the present writ petition challenging the impugned letter in No.ONP7/79355/1993 passed by the 3<sup>rd</sup> respondent dated 09.07.2019 and consequential

direction to the respondents to grant all terminal and monetary benefits to the petitioner from the date of dismissal of service.

2. Mr.P.Karthikeyan, learned Additional Government Pleader takes notice on behalf of the respondent No.1. Since no adverse order is passed against the respondent Nos. 2 & 3, notice to the respondent Nos.2 & 3 is dispensed with.

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

4. According to the petitioner, he was employed in the Housing Board as Assistant Engineer and he has been implicated in a false Criminal Case. He has been convicted by the Criminal Court in Spl.C.C.No.29/1997. Against the judgment of conviction, the petitioner has preferred an appeal before this Court in Crl.A.No.375 of 2013, wherein, the punishment imposed by the trial Court was set aside by this Court. Against the order of acquittal, the State has preferred an appeal in Crl.A.No.535 of 2014 and the same was dismissed by this Court by order dated 02.01.2018. It is seen that serious charges have been foisted against the petitioner under the various provisions of Prevention of Corruption Act, 1988.

5. It is no doubt true, that the petitioner's relief could have been granted, provided there was no disciplinary proceedings initiated against the petitioner. From the impugned order dated 09.07.2019, it is seen that disciplinary proceedings have been initiated against the petitioner and he has been dismissed from service as early as in the year 2004 itself. That being the case, the relief sought for by the petitioner that he is entitled to all monetary benefits, cannot be acceded to.

6. I find that there is no merit in the writ petition and the same is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

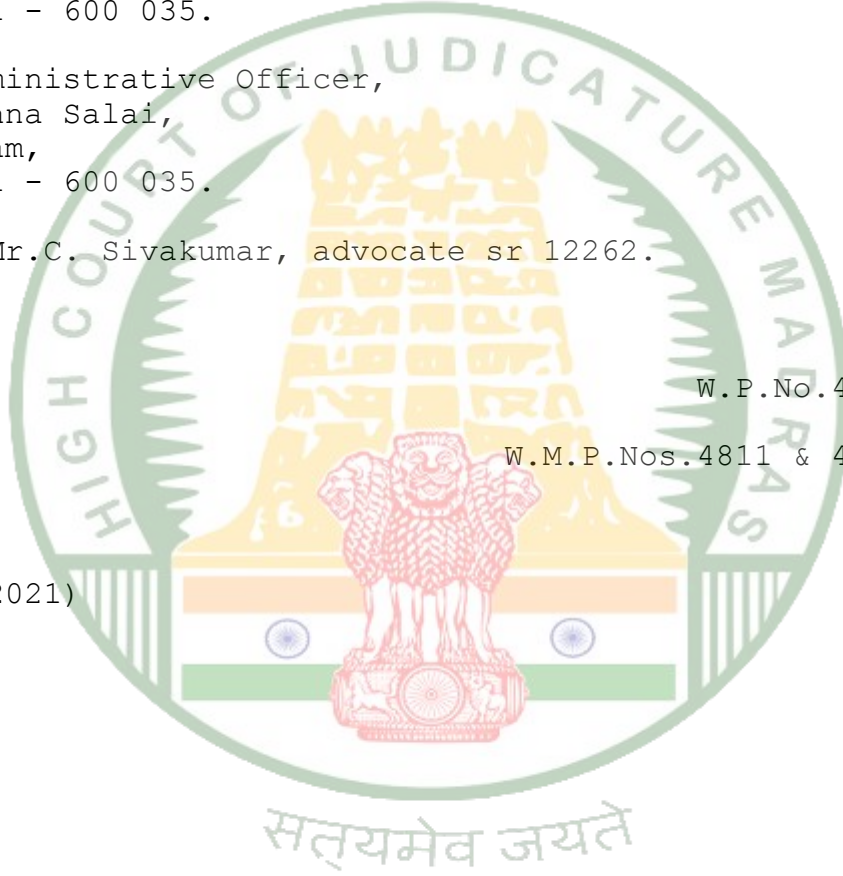
rsi

To

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Chennai - 600 009.
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- +1 CC to Mr.C. Sivakumar, advocate sr 12262.

W.P.No.4212 of 2021  
and  
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SS(CO)  
SP(02/07/2021)



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