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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.No. 826 of 2021 and
C.M.P. No. 4658 of 2021

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.
2. The Secretary and Personnel Officer,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.
3. The Financial Advisor,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

... Appellants/ Respondent

Vs.

S. Sasikala

....Respondent/Petitioner

Prayer:

Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 28.02.2020 passed in W.P.No.5027 of 2020 and allow the Appeal.

Prayer in W.P.No.5027 of 2020

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to disburse pensionary benefits such as SPF DCRG commutation and to sanction the pension within reasonable time.

For Appellants : Mr.R. Bharath Kumar

For Respondent : Mr.S. Sivakumar



JUDGMENT

(Judgment of the Court was delivered by S.VAIDYANATHAN,J)

This Writ Appeal is filed against the order passed in W.P.No.5027 of 2020, dated 28.02.2020, by which a direction was issued to the Appellants to consider the representation of the Writ Petitioner dated 08.01.2020 and pass orders strictly in accordance with law, within a period of six weeks from the date of receipt of a copy of that order with further direction to process the Writ Petitioner's retiral benefits and the pension proposal without any delay.

2. The main plea advanced by of the learned counsel for the Appellants is that the Respondent-Writ Petitioner, suppressed the registration of an FIR against her in respect of misappropriation of a sum about Rs.86.21 lakhs, at the time of hearing the Writ Petition. Moreover, the Writ Petition was disposed of at the admission stage itself without even affording an opportunity to the Appellants to file a counter-affidavit.

3. The learned counsel appearing for the Respondent submitted that the learned Single Judge upon hearing the submissions of learned counsel appearing on either side has granted the aforesaid relief and therefore the same need not be interfered with.

4. Heard both sides. Perused the records.

5. It is averred by the respondent that the Appellants have filed this Appeal in order to escape from the contempt proceedings. However, on a reading of the proceedings dated 01.03.2021 of the Tamil Nadu Housing Board, it is seen that the order of the learned Single Judge has already been complied. When the order has been complied with, the question of filing Appeal does not arise at all. The contention raised by the learned counsel for the Appellants, in this Appeal is that there was a suppression of registration of F.I.R. against the Writ Petitioner and the orders have been obtained, at the admission stage itself. It is needless to mention here that if there is any false averments and forgery, said to have been committed by the Writ Petitioner, it is open to the Appellants to take action Under the Penal Provisions, viz., Sections 191, 199 IPC or any other provisions of Indian Penal Code including Section 195 and 340 Cr.P.C. to proceed against the Writ Petitioner. We make it very clear that we are not giving any direction to the Appellants to do so and it is only an observation. As the order of the learned Single Judge has already been complied with, if the Appellants are aggrieved, it is open to them to recourse to Penal Provisions.



With the above observation, this Writ Appeal is closed. No Costs. Connected Miscellaneous Petition is Closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

arr/shk

To

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.
2. The Secretary and Personnel Officer,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.
3. The Financial Advisor,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600 035.

+1cc to Mr.R. Bharath Kumar, Advocate, S.R.No.54854

+1cc to Mr.S. Sivakumar, Advocate, S.R.No.54211

W.A.No. 826 of 2021

SJ(CO)
CT 10/12/2021