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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.8026 of 2015

R.Bujjian

...Petitioner

Vs.

1. The Secretary to Government
Highways & Minor Ports Department
Fort St.George, Chennai - 9.

2. The Chief Engineer/General
Highways Department
Chepauk, Chennai - 5.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to settle the retirement benefits to the petitioner within a reasonable time and grant such other further relief.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.S.J.Raja Singh
Government Advocate

ORDER

The petitioner has sought a mandamus directing the respondents i.e. the Secretary to Government, Highways & Minor Ports Department/R1 and the Chief Engineer/General Highways Department/R2 to settle his retiral benefits within a time frame to be fixed by this Court.

2. The petitioner has, in fact, retired from service in the Highways Department on 31.07.2001 without prejudice to the criminal proceedings that were and are still pending against him. The terminal benefits payable were, however, withheld.



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3. The petitioner has filed a representation on 30.01.2015 pointing out two other instances where similarly placed candidates were not only permitted to retire but also paid over their terminal benefits and seeks the same benefit.

4. In the light of the facts as noticed above, it would be appropriate that the criminal case in S.C.No.57 of 2000, pending before the Chief Judicial Magistrate, Salem be disposed. A direction is issued to the the CJM, Salem to complete hearing of S.C.No.57 of 2000 within a period of six months from today. The payover of the terminal benefits shall be subject to decision taken in the criminal case. The petitioner is also granted leave to approach this Court should there be any further delay in conclusion of the criminal case.

5. With the aforesaid directions, this writ petition is closed. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Highways & Minor Ports Department
Fort St.George, Chennai - 9.

2. The Chief Engineer/General
Highways Department
Chepauk, Chennai - 5.

3. The Chief Judicial Magistrate
Salem.

+1cc to M/s.M.Muthappan, Advocate, S.R.No.47405

+1cc to the Government Pleader, S.R.No.47531

W.P. No.8026 of 2015

PMK(CO)

SB(05/10/2021)