



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.07.2021

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.11052 of 2021

WEB COPY

A.K.Chellamuthu

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents more particularly the second respondent to consider the representation, dated 09.04.2021 and pass appropriate orders for making payment of all the monetary service benefits to the petitioner including salary and unearned leave salary till his retirement and the subsequent retirement benefits including pension from the date of his retirement within a time frame as fixed by this Court.

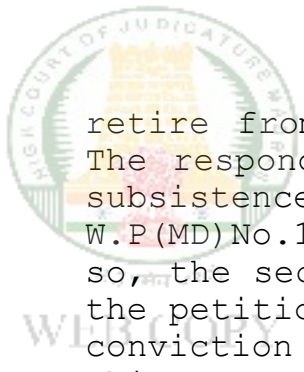
For Petitioner : Mr.D.Venkatesh

For R1 & R2 : Mr.K.S.Selvaganesan
Government Advocate

ORDER

This writ petition has been filed by the petitioner for a direction to the second respondent to consider the representation, dated 09.04.2021 and pass appropriate orders for making payment of all the monetary service benefits to the petitioner including salary and unearned leave salary till his retirement and the subsequent retirement benefits including pension from the date of his retirement within a time frame as fixed by this Court.

2. According to the petitioner, while he was working as Village Administrative Officer at Thalaiyuthu Village, he was arrested on 20.04.2010 based on the trap laid by the Directorate of Vigilance and Anti Corruption, for accepting bribe. The petitioner was suspended from service by the order, dated 21.04.2010. The petitioner was convicted in the criminal case in S.C.No.36 of 2014 by the Chief Judicial Magistrate, Dindigul. The petitioner filed an appeal in CrI.A(MD)No.196 of 2016 challenging the judgment in S.C.No.36 of 2014. Pending criminal case, the petitioner attained the age of superannuation on 31.10.2010, but he was not permitted to



retire from service in view of the pendency of the criminal case. The respondents from the month of July 2016 stopped the payment of subsistence allowance also. The petitioner filed a writ petition in W.P(MD)No.12248 of 2018 for payment of subsistence allowance, while so, the second respondent by proceedings, dated 15.06.2018 dismissed the petitioner from service with effect from 26.05.2015 based on his conviction in the criminal case in S.C.No.36 of 2014. Therefore, this Court, by judgment, dated 18.12.2020, allowed the criminal appeal in CrI.A(MD)No.196 of 2016 and acquitted the petitioner. The petitioner gave representation, dated 09.04.2021, requesting the respondents to pay full salary till his retirement, payment of pension and un-earned leave salary. Since no order was passed by the respondents, the petitioner has come out with the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. From the materials on record, it is seen that by order, dated 15.06.2018 the petitioner was dismissed from service based on the conviction rendered by the learned Chief Judicial Magistrate, Dindigul, vide judgment, dated 29.05.2016. The Criminal Appeal in CrI.A(MD)No.196 of 2016 filed by the petitioner challenging the order of conviction, was allowed by this Court, by judgment, dated 18.12.2020 and the petitioner was acquitted. After acquittal, the petitioner gave representation, dated 09.04.2021, to the respondents for payment of monetary benefits.

5. In view of the fact that the petitioner was dismissed from service based on the conviction rendered by the trial Court in S.C.No.36 of 2014, which was subsequently, set aside by this Court in CrI.A(MD)No.196 of 2016, vide judgment dated 18.12.2020, the respondents are directed to consider the representation of the petitioner, dated 09.04.2021, for payment of his retirement benefits, including the pension and other benefits, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is allowed.
No costs.

Sd/-

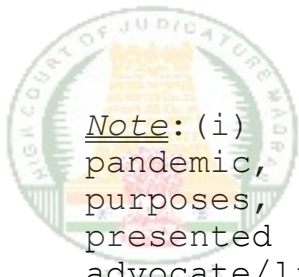
Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

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Note: (i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The District Collector,
Dindigul District.
- 2.The Revenue Divisional Officer,
Palani, Dindigul District.

+1 CC to M/s.SPL GP (SR-22291[F] dated 13/07/2021)

W.P(MD)No.11052 of 2021
12.07.2021

RD(3.08.2021) 3P 4C