



WEB COPY

W.P(MD)No.22191 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22191 of 2021

& WMP(MD)No.18754 of 2021

T.S.Sooriyanarayanamoorthy

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Fort St. George,
Chennai-600 009

2.The Principal Secretary and Commissioner of
Revenue Administration,
Ezhilagam,
Chepauk,
Chennai-600 005

3.The District Revenue Officer,
Madurai District,
Madurai.

... Respondents

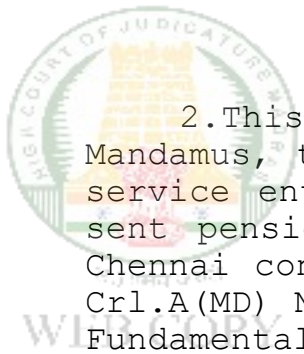
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to release all the petitioner's service entitlements viz., duty pay from 19.06.2015 to 31.08.2017, sent pension proposals to the Accountant General of Entitlements, Chennai consequent upon order of acquittal awarded by this Court in Crl.A (MD) No.139 of 2015 dated 02.11.2020 in terms of Ruling 9 under Fundamental Rules 54 within the time frame as stipulated by this Court.

For Petitioner : Ms.W.Pamlin

For Respondents : Mr.V.Nirmal Kumar, AGP

ORDER

Heard Ms.W.Pamlin, learned counsel appearing for the petitioner and Mr.V.Nirmal Kumar, learned Additional Government Pleader appearing for the respondents.



2.This Writ Petition has been filed seeking for issuance of a Mandamus, to direct the respondents to release all the petitioner's service entitlements viz., duty pay from 19.06.2015 to 31.08.2017, sent pension proposals to the Accountant General of Entitlements, Chennai consequent upon order of acquittal awarded by this Court in Crl.A(MD) No.139 of 2015 dated 02.11.2020 in terms of Clause 9(b) of Fundamental Rule 54 within the time frame as stipulated by this Court.

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

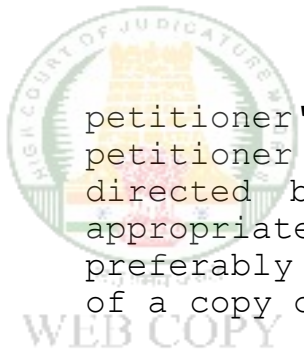
4.The case of the petitioner is that while he was working as Revenue Inspector, a case has been registered by the Vigilance and Anti Corruption Department and he was also convicted by the trial Court vide its judgment dated 22.05.2015. Challenging the aforesaid judgment, the petitioner preferred an appeal in Crl.A.No.139 of 2015 before this Court and this Court, vide its judgment dated 09.06.2015 has set aside the judgment of conviction passed by the trial Court. However, pursuant to the order dated 22.05.2015 of the trial Court convicting this petitioner, the petitioner was dismissed from service. Thereafter, the petitioner has made a representation on 08.03.2021 to the respondents requesting to consider the revocation of suspension order as well as the entitlement for retirement benefits, to which he is entitled to, pursuant to acquittal in the criminal case. Since no action was forthcoming, the petitioner approached this Court by way of a Writ Petition in WP(MD)No.13865 of 2021, which was disposed of by this Court on 09.08.2021 with a direction to the first respondent/Secretary to take a decision on the representation dated 08.03.2021 submitted by the petitioner, within a period of five months from the date of the order.

5.The learned Additional Government Pleader would submit that as per the earlier orders of this Court in WP(MD)No.13865 of 2021, the petitioner's claim for retirement benefits as claimed in his representation dated 08.03.2021 is under consideration of the first respondent/Secretary and therefore, no further direction is required in this Writ Petition.

6.The learned counsel for the petitioner submits that the earlier representation was made for treating the period of suspension as a period of service and to calculate his service during suspension period for the purpose of calculating retirement benefits and in the said representation, the petitioner has made a claim for retirement benefits.

7. Since this Court has already issued a direction to the first respondent to take a decision on the representation dated 08.03.2021 of the petitioner, the first respondent while

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petitioner's further representation made by him and if the petitioner is found eligible for the same, take a decision as directed by this Court in WP(MD)No.13865 of 2021 by passing appropriate orders in accordance with law, within a reasonable time, preferably within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : 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.

To:

1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Fort St. George,
Chennai-600 009

2.The Principal Secretary and Commissioner of
Revenue Administration,
Ezhilagam,
Chepauk,
Chennai-600 005

3.The District Revenue Officer,
Madurai District,
Madurai.

+1 CC to M/s.SPL GP (SR-39030[F] dated 16/12/2021)

+1 CC to M/s.W.PAMELIN, Advocate (SR-39398[F] dated 17/12/2021)

**W.P (MD) No.22191 of 2021
15.12.2021**

RK(24/01/2021) 3P 6C