



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.22550 of 2019
and W.M.P. (MD).No.19322 of 2019

Dr.V.Selvaraj

...Petitioner

Vs.

1.The Principal Secretary,
Health & Family Welfare Department,
Chennai - 9.

2.The Director of Medical and Rural Health Service
and Family Welfare, No.359, Annasalai,
Thenampet, Chennai - 6.

3.The Joint Director of Medical and Rural Health Service
and Family Welfare, Theni District,
Periyakulam.

4.Mr.Uvari Anthony

5.The Accountant General (A&E),
Office Accountant General (A&E),
Tamil Nadu, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd respondent to disburse the Death - cum - Retirement - Gratuity (DCRG) as per the direction given by the 2nd respondent vide letter number Ref.No.4406/Audit/9/2018, dated 26.04.2019 and Special Provident Fund (SPF) with payment of 24% of interest for delayed payment of pension and retirement benefits due to the dereliction of duty on the part of 3rd respondent and further direct the 2nd respondent to dispose the audit objection paragraphs based on Petitioner's reply statement dated 03.07.2019 with in time framed as fixed by this Court.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.M.Muniyasamy for R1 to R3
Additional Government Pleader

Mr.P.Gunasekaran for R5

No Appearance for R4



O R D E R

Heard Mr.Raja Karthikeyan, learned counsel for the petitioner, Mr.M.Muniyasamy, learned Additional Government Pleader for the respondents 1 to 3 and Mr.P.Gunasekaran, learned counsel for the fifth respondent.

2.The petitioner herein is aggrieved against the non disbursement of the Death cum Retirement Gratuity and hence the present writ petition.

3.It is stated in the counter affidavit filed by the third respondent that the Disciplinary Proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, has been initiated against the petitioner and the same is pending.

4.The learned counsel for the petitioner would submit that he would restrict his prayer, if a direction is given to the Disciplinary Authority to complete the disciplinary action, within a stipulated time and the disbursement of the Death - cum - Retirement Gratuity can be considered, after such completion. Such request seems to be reasonable. It is also stated by the learned counsel that the second respondent is the Disciplinary Authority, who has taken the disciplinary action.

5.In the light of the submissions made by the learned counsels on either side, there shall be a direction to the second respondent herein to complete the disciplinary proceedings initiated against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, as expeditiously as possible. In case, there is any inordinate delay in completion of the disciplinary proceedings, the petitioner is at liberty to approach this Court seeking for expeditious disposal of the disciplinary action.

6.This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Health & Family Welfare Department,
Chennai - 9.

2.The Director of Medical and Rural Health Service
and Family Welfare,
No.359, Annasalai,
Thenampet, Chennai - 6.

3.The Joint Director of Medical and Rural Health Service
and Family Welfare,
Theni District,
Periyakulam.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-5560[F] dated 17/02/2021)

+1 CC to M/s.P.GUNASEKARAN, Advocate SR-5587[F] dated 17/02/2021

+1 CC to M/s.SPL GP (SR-6009[F] dated 18/02/2021)

W.P. (MD) No.22550 of 2019

16.02.2021

mj (CO)

TR(03.03.2021) 3P 7C