



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.5712 of 2016

K.N.Gopalakrishnan

... Petitioner

Vs.

1.The Secretary to Government
Housing Department,
Secretariat, Fort St.George,
Chennai-9.

2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-35.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to settle the petitioner's terminal, pensionary benefits and other items with interest at the rate of 12% from the date of retirement dated 31.05.2000.

For Petitioner : M/s.D.Devisaravanapriya

For R1 : Mr.D.Muruganantham
Additional Government Pleader

For R2 : Mr.Nagaraaj
(No appearance)

O R D E R

This writ petition is filed for a direction to the second respondent to settle the petitioner's terminal, pensionary benefits and other items with interest at the rate of 12% p.a., from the date of retirement ie., 31.05.2000.



2.The case of the petitioner is that he was appointed as Junior Assistant in Tamil Nadu Housing Board in the year 1970 and while he was in service, he was issued with charge memo as if he caused loss to the Board in the year 1979 and in the year 2000, he retired from service as Divisional Accountant Board Secretariat and the petitioner herein was relieved from service without prejudice to the pending charges under Section 37(b) of the Standing Order and thereafter, the Government gave a direction to the Board on 12.07.2002 to drop the charges levelled against the petitioner. Without considering the order passed by the Government, the Board passed a final order against the petitioner on 06.08.2003. As against the said order, the petitioner has preferred an appeal on 29.10.2003 before the first respondent. However, the first respondent has not taken any steps to dispose of the petitioner's appeal. Hence, the petitioner has filed a Writ Petition in W.P(MD)No.18272 of 2014 before this Court and the said writ petition was disposed of by directing the respondent therein to dispose of the petitioner's appeal, dated 29.10.2003. Even after passing of such order of this Court, the first respondent has not taken any steps to dispose of the petitioner's appeal. Therefore, the petitioner has filed a contempt petition in Cont.P (MD)No.1283 of 2015 against the first respondent. Thereafter, the first respondent has passed an order on the petitioner's appeal that the said appeal was ended in favour of the petitioner and all the charges levelled against him was dropped. Pursuant to which, the petitioner has made a representation, dated 30.10.2015 to the second respondent to settle the retirement benefits. Thereafter the petitioner issued a contempt notice through his counsel to the respondents on 14.12.2015. Pursuant to which, the second respondent refunded a sum of Rs.86,723/-, which has been recovered from the petitioner's retirement benefits by way of cheque. Even thereafter, the balance retirement benefits were not settled to the petitioner. Hence, the present writ petition is filed for the aforesaid relief.

3.The learned counsel appearing for the second respondent submitted that as per the order passed by the Government on the petitioner's appeal, vide G.O(D)No.113, Housing & Urban Development Department, dated 23.9.2015, the recovery of punishment amount of Rs.86,723/- has been ordered. Thereafter, the Executive Engineer & Administrative Officer, Madurai Housing Unit, Madurai, has paid the said amount to the petitioner by way of cheque bearing No.111322, dated 24.02.2016 and the petitioner has received the pensionary benefits of Rs.19,28,193/- including the last cheque amount of Rs.86,723/-.

4.In view of the above, the prayer sought for in the writ petition became infructuous and hence, this Writ Petition is dismissed. No costs. However, liberty is granted to the petitioner



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to work out his remedy in the manner known to law, with regard to the balance retirement amount if any.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

NS
To

The Secretary to Government
Housing Department,
Secretariat, Fort St.George,
Chennai-9.

+1 CC to SPL GP (SR-7279[F] dated 25/02/2021)

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KM (19.03.2021) 3P 3C