



W.P.No.347 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

**W.P.No.347 of 2022 and
WMP No.399 of 2020**

B.Udayakumar (deceased)

1. USudamani
2. U.Sivashanmugam
3. U.Vimaladevi

(Petitioners 1 to 3 are substituted as the
legal heirs of the deceased petitioner
B.Udayakumar as per order made in
WMP No.11788 of 2022 in
W.P. 347 of 2020 dated 22.06.2022)

... Petitioners

Vs.

1. The District Collector,
Cuddalore.
2. The District Revenue Officer,
Cuddalore.
3. The Revenue Divisional Officer,
Chidambaram, Cuddalore.
4. The Tahsildar,
Kattumannarkoil, Kattumannarkoil Taluk,
Cuddalore District.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records in proceedings No.Ref: A7/289/09 dated 06.02.2009 on the file of the third respondent and quash the same, consequently, direct the respondents to permit the petitioner to retire from his service w.e.f. 31.07.2012 with all retirement benefits along with all attendant service benefits.

For petitioner : Mr.M.Vijaya Kumar
For respondents : Mr.T.Chezhiyan, Addl.Govt.Pleader

ORDER

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus quashing the impugned proceedings dated 06.02.2009 issued by the third respondent and consequently, direct the respondents to permit the petitioner to retire from his service w.e.f. 31.07.2012 with all retirement benefits along with all attendant service benefits.

2. The petitioners' father was appointed as a Village Administrative Officer in the 4th respondent's office in the year 1986.



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A case in Crime No.1 of 2009 was registered against him under the Prevention of Corruption Act and he was suspended from service vide order dated 06.02.2009. The above case was numbered as Special Case No.4 of 2010 on the file of the Special Judge, Cuddalore and it was ended with acquittal by Judgment dated 01.06.2016. In the meanwhile, the petitioners' father reached the age of superannuation on 31.07.2012 and the suspension order was treated to continue till then and there is no departmental action initiated against him. The State has preferred an Appeal against the Judgment passed in Spl.Case No.4 of 2010 and it is pending before this Court in CrI.A.514 of 2017. However, the pendency of the Appeal is not legally barred to settle the retirement benefits. Hence the writ petition.

2.1. During pendency of the writ petition, the petitioners' father (original writ petitioner) died on 09.02.2022. Hence, the petitioners were substituted as the legal heirs of the deceased, vide order dated 22.06.2022 made in WMP No.11788 of 2022.

3. The learned counsel appearing for the petitioners submitted



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that the petitioners' father B.Udayakumar died on 09.02.2022 and recording the above fact, the Criminal Appeal in CrI.A.No.514 of 2017 was dismissed as abated vide order dated 26.04.2022. Therefore, the impugned suspension order has to be revoked and consequently, the petitioners being the legal heirs, are entitled to get the retirement benefits along with all attendant service benefits of their deceased father B.Udayakumar and hence appropriate direction may be given to the respondents to settle the above benefits.

4. The learned Additional Government Pleader, appearing for the respondents has not disputed the above facts. He also added that in the light of the G.O(Ms).No.151 Personnal and Administrative Reforms (N) Department dated 31.10.2018, action should be dropped consequent on the death of the deceased.

5. Inview of the above, this Court is inclined to pass the following order.

- i) The impugned suspension order dated 06.02.2009 is quashed.
- ii) Liberty is granted to the petitioners to make representation



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before the authorities concerned seeking retirements benefits and other service and attendant benefits of their deceased father B.Udayakumar.

iii) On such representation being received, the respondents shall consider the same and pass appropriate orders, as per Rules, without any further delay.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

22.06.2022
(2/2)

Index:Yes/No
Internet:Yes/No
mst

To

1. The District Collector,
Cuddalore.
2. The District Revenue Officer,
Cuddalore.
3. The Revenue Divisional Officer,
Chidambaram, Cuddalore.
4. The Tahsildar,
Kattumannarkoil, Kattumannarkoil Taluk,



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D. KRISHNAKUMAR, J.

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**22.06.2022
(2/2)**