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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.4.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4552 of 2022

C.Gandhimathi

...Petitioner

Vs.

- 1 The Director of School Education,
Office of Directorate of School Education,
College Road, Nungambakkam, Chennai 06.
- 2 Joint Director of School Education (Personnel),
Office Of Directorate of School Education,
College Road, Nungambakkam, Chennai 06
- 3 Government of Tamil Nadu
Rep. by its Secretary, School Education Dept.,
Fort St. George, Chennai 600 009.
- 4 The Director,
Directorate of Vigilance And Anti-Corruption,
No.293 M.K.N. Road, Alandur, Chennai 600 016.

...Respondents

(R-3 and R-4 impleaded vide order, dt. 11.03.2022 in
W.M.P.No.5763 of 2022)

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to revoke the order of the 2nd respondent dated 30.05.2014 bearing R.C.No.67598/A2/S2/2009-1 placing the petitioner under suspension and the order of the second respondent dated 30.05.2014 bearing R.C.No.67598/A2/S2/2009-2 not permitting the petitioner to retire and retaining the petitioner in service and permit the petitioner to retire from service with effect from 31.05.2014 being the date of superannuation and further direct the respondents to settle the terminal benefits of the petitioner including arrears of pension along with interest at the rate of 8% per annum and for costs.



For Petitioner : Mr.Balan Haridas
For Respondents : Mr.V.Manoharan, A.G.P.

O R D E R

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According to the petitioner, the petitioner while working as a Typist in the respondent department, the fourth respondent has preferred a false complaint against her husband who was working in Tamil Nadu Cements Corporation Ltd. alleging disproportionate wealth to the known source of the income. The petitioner was arrayed as A-2 as an abettor. A criminal case has been registered against the petitioner's husband and the petitioner and the same was tried by the VI Additional Judge, City Civil Court, Chennai and the trial Court by judgment, dated 3.2.2009 in C.C.No.12 of 2002 acquitted both the petitioner and her husband from the charges. However, the prosecution has preferred Criminal Appeal No.162 of 2010 before this Court. During the pendency of the appeal, the petitioner attained the age of superannuation on 31.5.2014. However, the second respondent issued order, dated 30.5.2014 stating that the petitioner was not permitted to retire on reaching the date of superannuation i.e. on 31.5.2014 on the ground that the criminal Appeal No.162 of 2010 is pending before this Court. According to the petitioner, subsequently, the aforesaid Criminal Appeal No.162 of 2010 was also dismissed by judgment dated 13.2.2010. The petitioner made representation to the respondents for revocation of suspension order and to settle the terminal benefits to the petitioner with effect from 31.5.2014 being the date of superannuation including the interest at the rate of 8% p.a. However, the respondent without any justification, terminal benefits, Pension and other monetary dues are not disbursed to the petitioner. Therefore, the petitioner has filed the present writ petition before this Court.

2. When the matter came before this Court for admission on 11.3.2022, the Additional Government Pleader takes notice for the respondents and again the matter was adjourned three times, however, no counter affidavit has been filed.

3. The learned Additional Government Pleader appearing for the respondents on written instructions would submit that no further appeal has been preferred by the DVAC before the Hon'ble Supreme Court against the judgment passed by this Court in Criminal Appeal No.162 of 2010. According to the learned Additional Government Pleader appearing for the respondents, no departmental proceedings are pending against the petitioner and therefore, the respondent will consider the representation of



the petitioner and pass appropriate orders in accordance with law.

4. Admittedly, the criminal case registered against the petitioner in C.C.No.12 of 2002 ended in acquittal by judgment of the trial Court, dated 3.2.2009 and the appeal preferred by the fourth respondent in Criminal Appeal No.162 of 2010 was also dismissed by this Court and it is informed to this Court that no further appeal has been preferred by the DVAC before the Hon'ble Supreme Court and no further disciplinary proceedings initiated by the respondent against the petitioner. Such view of the matter, the petitioner is entitled for terminal benefits as claimed in the representation, dated 5.8.2020 and reminder dated 1.2.2021.

5. In the light of judgment dated 13.2.2020, passed in Criminal Appeal No.162 of 2010, this Court is inclined to direct the second respondent to consider the representation, dated 5.8.2020 and reminder dated 1.2.2021 and pass appropriate orders for revocation of suspension order and also against the orders not permitting the petitioner to retire from service on attaining superannuation and also directed to pay terminal benefits to the petitioner as per law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of copy of the order.

6. With the above directions, the writ petition stands disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1 The Director of School Education,
College Road, Nungambakkam, Chennai 06.

2 Joint Director of School Education (Personnel),
College Road, Nungambakkam, Chennai 06



3 The Secretary, Government of Tamil Nadu,
School Education Dept.,
Fort St. George, Chennai 600 009.

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4 The Director,
Directorate of Vigilance And Anti-Corruption,
No.293 M.K.N. Road, Alandur, Chennai 600 016.

+1 CC to The Government Pleader sr 25293.

+1 CC to Mr.Balan Haridas, Advocate sr 24964.

W.P.No.4552 of 2022

SS (CO)
SP(28/04/2022)