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W.P.No.11686 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11686 of 2019
and
W.M.P.No.11921 of 2019

Mrs.M.Fathimunisa

...Petitioner

Vs.

1.The Secretary to Governor,
Raj Bhavan,
Guindy,
Chennai – 600 022.

2.The Additional Secretary to Government,
Public Department,
Fort St.George,
Chennai – 600 009.

3.The Deputy Secretary to Governor and
Comptroller,
Governor's Household Office,
Raj Bhavan,
Guindy,
Chennai – 600 022.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to disburse the Death - cum - Retirement benefits and other service benefits of husband



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Late.M.Mohamed Kaleel Basha, who had expired on 20.02.2012 within a time frame fixed by this Honorable Court.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to disburse the Death - cum - Retirement benefits and other service benefits of the husband of the writ petitioner.

2. The writ petitioner states that her husband was working as Junior Assistant in Governor's Household Office and departmental disciplinary proceedings were initiated against him under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. After conducting enquiry, the Disciplinary Authority imposed the punishment of dismissal from service. The husband of the writ petitioner preferred an appeal and the said appeal is pending.



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3. Mere pendency of the appeal will not be a ground to claim terminal and pensionary benefits since the punishment of dismissal from service was already inflicted by the competent Disciplinary Authority. Only in the event of modification or cancellation of punishment by the Appellate Authority, then alone, the petitioner can claim the benefits, but not otherwise.

4. In the present case, the petitioner is not entitled to claim the terminal and pensionary benefits, since the husband of the writ petitioner was removed from service. As far as the appeal is concerned, the Appellate Authority has to consider the same on merits and take a decision as expeditiously as possible.

5. Thus, the relief as such sought for in the present writ petition cannot be granted. Consequently, the writ petition stands dismissed. No costs. Connected miscellaneous petition is closed.

30.11.2022

Index : Yes
Speaking order : Yes
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To

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S.M.SUBRAMANIAM, J.

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