

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12019 of 2014

and

M.P.No.1 of 2014

K.R.Narayanan

... Petitioner

-Vs-

1. Government of Tamil Nadu,
Rep. by Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.

2. The Managing Director,
Tamil Nadu Housing Board,
Chennai - 600 035.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent relating to G.O.(1D) No.36, Housing and Urban Development (HB 1-1) Department dated 07.01.2005, to quash the same and to issue consequential directions to the respondents to permit the petitioner to retire on 31.05.2003 A.N. without any condition and with consequential pensionary and retirement benefits and to disburse all such benefits within a time frame with 18% compound interest per annum.

For Petitioner : Mr.M.Ravi

For R1 : Mr.M.Bindran
Addl. Government Pleader

For R2 : Mr.D.Veerasekaran

ORDER

The order passed by the first respondent in G.O.(1D) No.36, Housing and Urban Development (HB 1-1) Department dated 07.01.2005 is sought to be quashed in the present writ petition. A consequential direction is sought to direct the respondents to permit the petitioner to retire from service on 31.05.2003.

2. The writ petitioner was holding the post of an Executive Engineer and he reached the age of superannuation on 31.05.2003. However, he was not allowed to retire from service on account of the pendency of departmental disciplinary proceedings. The order impugned dated 07.01.2005 states that the petitioner was allowed to retire from service without prejudice to the disciplinary proceedings pending against him.

3. The learned counsel appearing for the 2nd respondent brought to the notice of this Court that the order dated 07.01.2005 is challenged in the present writ petition filed during the year 2014 and thereafter, several proceedings are issued by the competent authority. As far as the disciplinary proceedings are concerned, one set of charges were dropped against the petitioner and other charges are proceeded with and the authorities are in the process of concluding the departmental proceedings. The delay occurred is on account of the fact that the files are to be collected from various offices of Tamil Nadu Housing Board across Districts. However, the respondents have taken all steps to conclude the proceedings as expeditiously as possible.

4. This Court is of the considered opinion that the writ petitioner reached the age of superannuation in the year 2003 and almost 19 years lapsed. Thus, further delay would cause prejudice to the writ petitioner, as he is unable to get his terminal and pensionary benefits.

5. The learned counsel for the 2nd respondent states that provisional pension is being paid to the writ petitioner. Under these circumstances, the respondents are directed to conclude the departmental disciplinary proceedings in all respects by following the procedures contemplated and pass appropriate orders, within a period of 4 months from the date of receipt of a copy of this order.

6. With this direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Secretary to Government,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
Chennai - 600 035.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.39795

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SSN(CO)
CT/12/07/2022