



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-06-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.1580 of 2014

R.Manickaraj

.. Petitioner

vs.

1. The Director of Medical and Rural Health
Services,
Greams Road,
Chennai - 600 006.

2. The Deputy Director of Medical Services (Leprosy),
Chennai - 600 006.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent herein in his Ref.70202/SC2/2011 dated 30.05.2013 and quash the same and consequently directing the respondents allowing the petitioner to retire from the service and pay all the petitioner retirement benefits including gratuity and pension in accordance with law.

For Petitioner : Mr.K.Krishnan

For Respondents : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader.

O R D E R

The order dated 30.05.2013 not allowing the writ petitioner to retire from service on attaining the age of superannuation on 31.05.2013, is under challenge in the present writ petition.

2. The writ petitioner was working as Office Superintendent in the second respondent office at Chennai and attained the age of superannuation on 31.05.2013. The petitioner was placed under suspension on the ground that he was arrested by the Inspector of Police, Anti Land Grabbing Special Cell at Tirunelveli and a criminal case was registered against the petitioner in Crime No.52 of 2011 under Sections 465, 467, 468, 471, 420 and 120(B)



of the Indian Penal Code. Subsequently, the petitioner was not allowed to retire from service and his services were continued under Rule 56(1)(c) of the Fundamental Rules. The said order issued by the first respondent in proceedings dated 30.05.2013 is under challenge in the present writ petition.

3. Admittedly, the criminal case registered against the writ petitioner is still pending. The learned counsel for the petitioner made a submission that the parties are negotiating for compromise as the case relates to land grabbing. However, this Court cannot make any finding in respect of the criminal case as of now, since the same is pending before the competent Criminal Court of Law.

4. As far as the order impugned is concerned, there is no infirmity as such in view of the fact that departmental disciplinary proceedings were initiated against the writ petitioner and he was placed under suspension. Thus, he was not allowed to retire from service on attaining the age of superannuation on 31.05.2013.

5. In respect of employees attaining the age of superannuation, if departmental disciplinary proceedings or criminal cases are pending, they are not entitled to get the terminal and pensionary benefits. Only after disposal of the criminal case and departmental proceedings, the employee has to approach the Competent Authority for settlement of all such benefits.

6. In the present case, the departmental disciplinary proceedings are initiated and the criminal case is also pending against the petitioner. Thus, the petitioner has to approach the Competent Criminal Court of Law for the early disposal of criminal case pending against him and only after disposal of the criminal case pending against the petitioner, he is at liberty to approach the Competent Authorities for all appropriate actions in accordance with the Service Rules in force.

7. With the abovesaid observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Svn



To

WEB COPY

1. The Director of Medical and Rural Health
Services,
Greens Road,
Chennai - 600 006.

2. The Deputy Director of Medical Services (Leprosy),
Chennai - 600 006.

+1cc to Mr.K.Krishnan, Advocate, S.R.No.32211

+1cc to the Government Pleader, S.R.No.33099

WP 1580 of 2014

MT (CO)
UMA (14/06/2022)