



WEB COPY



W.P.No.28555 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

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

W.P.No.28555 of 2014

&

M.P.Nos.1 & 2 of 2014

P.M.Thangaraj

...Petitioner

..Vs..

The State of Tamil Nadu,
Rep by its Secretary,
Revenue Department,
Fort St.George, Chennai - 09.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of suspension of the petitioner passed by the respondent herein issued in G.O.(2D) No.514 Revenue (Service 2(2)) Department dated 30.08.2007 and quash the same and consequently direct the respondent to treat the petitioner as having retired from service on 31.08.2007 which is the date of his superannuation and disburse to the petitioner all the retirement benefits i.e., 1) Gratuity, 2) Pension, 3) Encashment of leave, 4) Provident Fund etc., due to the petitioner under the Rules within the specified time.

For Petitioner : Mr.P.Chandrasekaran

For Respondent : Mr.R.L.Karthika,
Government Advocate



W.P.No.28555 of 2014

ORDER

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The writ petitioner was holding the post of District Manager / Deputy Collector, Namakkal TASMACH Office and was not allowed to retire from service. The petitioner was placed under suspension and departmental disciplinary proceedings were initiated. A criminal case was also registered against the writ petitioner under the Prevention of Corruption Act.

2. The learned counsel for the petitioner made a submission that the departmental disciplinary proceedings have already been dropped against the writ petitioner. However, the criminal case registered against him in C.C.No.7 of 2015 under the Prevention of Corruption Act and is pending before the Criminal Court of Law.

3. The petitioner admittedly reached the age of superannuation. In view of the fact that the criminal case is pending against the writ petitioner, the terminal and pensionary benefits due to the petitioner, cannot be settled at this point of time. Only after the disposal of the criminal case and grant of exoneration from all departmental proceedings, the petitioner would be eligible for terminal and pensionary benefits. Admittedly, the criminal case is pending against the writ petitioner as of now. Thus, the petitioner is at liberty to



W.P.No.28555 of 2014

approach the competent authority after the disposal of the criminal case by the competent Court of Law.

4. With this liberty, the writ petition stands disposed of. No costs.

Connected miscellaneous petitions stand closed.

01.07.2022

mrm

Index: Yes/No
Internet: Yes/No
Speaking Order

To

The Secretary,
State of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 09.



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W.P.No.28555 of 2014

S.M.SUBRAMANIAM., J

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W.P.No.28555 of 2014

01.07.2022