



WP No.21918 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-12-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.21918 of 2019

And

WMP No.21141 of 2019

M.Asokan

..

Petitioner

VS.

1.The Tamil Nadu Water Supply and Drainage Board,
Represented by its Managing Director,
No.31, Kamarajar Salai,
Chepauk,
Chennai-600 005.

2.The Secretary cum General Manager,
TWAD Board, Head Office:
No.31, Kamarajar Salai,
Chepauk,
Chennai-600 005.

3.The Superintending Engineer,
TWAD Board,
C.V.Circle,
Cuddalore.



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4.The Executive Engineer – TWAD Board,
Rural Water Supply Division,
M.A.C. Avenue,
Cuddalore. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay the pensionary benefits due to the petitioner together with interest at the rate of 10%.

For Petitioner : Mr.A.Durai Eswar

For Respondents : Mr.N.Ganesh Kumar,
Standing Counsel for TWAD.

ORDER

The relief sought for in the present writ petition is to direct the respondents to pay the pensionary benefits due to the writ petitioner.

2. The petitioner was holding the post of Assistant Executive Engineer and retired from service.

3. However the respondent-TWAD Board has filed a criminal



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case against the writ petitioner subsequently with reference to certain grave allegations. A criminal case was registered against the writ petitioner in FIR No.6 of 2018 dated 01.08.2018 and the case was registered under Sections 167, 477A, 468, 471, 420, 409 r/w Section 109 of IPC and under Section 13(2) read with Section 13(1)(c) of the Prevention of Corruption Act, 1988. The petitioner is arrayed as accused No.5.

4. In view of the fact that the criminal case under the Prevention of Corruption Act was registered against the writ petitioner, all his pensionary benefits and other settlements are to be considered only after the disposal of the criminal case and subject to the result of the criminal case.

5. During the pendency of the criminal case proceedings, this Court cannot direct the Authorities to settle the terminal and pensionary benefits due to the writ petitioner. Thus the writ petitioner is at liberty to approach the Competent Authorities only after the disposal of the criminal case proceedings initiated against him.



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6. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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S.M.SUBRAMANIAM, J.

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