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W.P.No.22263 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.22263 of 2019

P.J. Pandian

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Petitioner

Vs.

1.State of Tamil Nadu
rep. by the Secretary to Government,
Transport Department,
Fort St. George,
Chennai – 600 009.

2.The Director,
Institute of Road Transport,
Taramani,
Chennai – 600 113.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to order pay the litigation expenses order 24% interest and penal interest on the belated payment of retirement benefits with effect from 30.11.2015 and full salary for the period retained in service from 30.11.2015 to 16.05.2019 and order payment of revised gratuity treating the petitioner as having retired in 2019 and grant all consequential monetary and other service



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benefits to which the petitioner is entitled to in law.

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For Petitioner : Mr.M. Gnanasekar

For Respondent : Mr.T. Chezhiyan,
Additional Government Pleader [R1]

Mr.A. Thayaparan [R2]

ORDER

The petitioner herein, seeks for payment of litigation expenses and interest on the belated payment of retirement benefits.

2. The petitioner who was due to retire on 30.11.2015, was placed under suspension on 30.11.2015 and thereby, he was not permitted to retire from services, in view of the pendency of a criminal case in Crime No.510 of 2014 dated 13.09.2014. Challenging the F.I.R., he had filed a Quash Petition in Crl.O.P.No.5979 of 2015. In the meanwhile, the first respondent/Department had also parallelly proceeded with a domestic inquiry through a Charge Memo dated 22.12.2015.

3. The petitioner had challenged this Charge Memo in W.P.No.376



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of 2016. Insofar as the registration of the criminal complaint is concerned, this Court by its order dated 16.07.2018 passed in CrI.O.P.No.5979 of 2015, had quashed the F.I.R., against the petitioner herein. Thereafter, the Writ Petition preferred by the petitioner against the Charge Memo in W.P.No.376 of 2016, came to be dismissed as withdrawn on 08.10.2018. The second respondent had then issued proceedings on 03.05.2019, revoking the suspension order and relieving the petitioner from service.

4. In this background, the petitioner was paid with the entire retirement benefits on 16.05.2019. The delay between 30.11.2015 to 16.05.2019 is apparently due to the pendency of the litigations initiated by the petitioner herein, against the criminal case, as well as the Charge Memo in the departmental proceedings. When these proceedings were pending against the petitioner herein, I do not find any infirmity on the part of the respondents in not disbursing the retirement benefits to the petitioner, particularly, when he has been suspended from the services and was not permitted to retire.

5. Ultimately, when the proceedings in the criminal case was



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quashed, the petitioner would not be entitled for the benefits of service since the charges in the departmental proceedings were pending against him. It is only on 03.05.2019, that the charges came to be dropped and on the same day, he was relieved from service after suspension order was revoked.

6. In this background, the terminal benefits were disbursed to him on 16.05.2019 itself and there is absolutely no delay in disbursement of the terminal benefits. If that be so, the petitioner would not be entitled for either the litigation expenses or interest of such payment. Hence, there is no merit in the writ Petition.

7. Accordingly, the Writ Petition stands dismissed. No costs.

09.12.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

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To

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M.S.RAMESH,J.

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