



WEB COPY

W.P.No. 23271 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 23271 of 2019

and

W.M.P.Nos. 22988 & 22991 of 2019

V. Venkatachalapathy

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu Slum Clearance Board,
5, Kamarajar Salai,
Chennai – 600 005.

2. The Managing Director,
Tamil Nadu Slum Clearance Board,
5, Kamarajar Salai,
Chennai – 600 005.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the first respondent in Pro.No.A4/13420/2006 dated 04.02.2019, to quash the same and to consequently direct the respondents to forthwith extend all benefits both service and monetary.

For Petitioner

: Mr. Chandrakumar L

For Respondents

: Mr. S. Karthikeyan

Standing Counsel for TNSCB
for R1 and R2



ORDER

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The order of termination terminating the services of the writ petitioner based on the conviction imposed by the competent criminal court of law in appeal proceedings is under challenge in the present writ petition.

2. The petitioner was working as Lower Division Estate Inspector and placed under suspension on account of the registration of a criminal case under the Prevention of Corruption Act in C.C.No. 122 of 2011. The criminal case ended in an order of acquittal before the Special Court for Cases under the Prevention of Corruption Act at Chennai by judgment dated 30.10.2012. The petitioner meanwhile reached the age of superannuation and his services were retained on the ground that the Government preferred an appeal against the order of acquittal. Accordingly, the Government preferred criminal appeal No. 147 of 2013 before the High Court and the said criminal appeal ended in an order of conviction against the writ petitioner. Accordingly, the respondent board followed the procedures and issued the impugned order dated 04.02.2019 removing the writ petitioner from his service.



3. The learned counsel for the petitioner made a submission that the respondents have to pay provisional pension.

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4. The said submission is opposed by the respondent stating that a removed employee is not eligible for provisional pension and therefore the relief in this regard is to be rejected.

5. The order impugned dated 04.02.2019 was passed based on the conviction order passed by the High Court in the criminal appeal. Therefore, the petitioner is a removed employee and not entitled for the benefit of provisional pension or other benefits as per the Rules in force. This being the factum as of now, the relief as such sought for deserves no merit consideration.

6. The learned counsel for the petitioner made a submission that the petitioner may prefer an appeal to the Supreme Court and in the event of any further developments, the petitioner is at liberty to approach the competent authority in the manner known to law.



7. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.09.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

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2. The Managing Director,
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S.M.SUBRAMANIAM, J.

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