



WP No.4201 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-11-2022

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

**WP No.4201 of 2017**

N.Jayaraman

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Petitioner

vs.

1.The State of Tamil Nadu,  
Represented by its Secretary to Government,  
Finance (Treasury and Accounts) Department,  
St. George Fort,  
Secretariat,  
Chennai-600 009.

2.The Commissioner of Treasuries and Accounts,  
Panagal Maligai,  
Saidapet,  
Chennai-600 015.

3.The Director of Treasuries and Accounts,  
Panagal Maligai,  
Saidapet,  
Chennai-600 015.



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4.The Treasury Officer,  
O/o.The District Treasury,  
Cuddalore District.

..

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 entire records connected with the proceedings of the second respondent's Charge Memo in Na.Ka.No.45425/2001/Q.3-5 dated 26.07.2001, order of removal in Na.Ka.No.45425/2001/Q3-3 dated 20.04.2004 and order of compulsory retirement in G.O.(2D) No.25, Finance (T&A-2) Department, dated 28.02.2011 passed by the first respondent and quash the same consequently direct the respondents to re-fix all monetary benefits by treating the petitioner as he was retired from service on his actual superannuation dated 30.09.2010.

For Petitioner : Mr.M.Lourdu Savio

For Respondents : Mr.P.Gurunathan,  
Additional Government Pleader.

## **ORDER**

The charge memo dated 26.07.2001 and the order of removal from service issued in proceedings dated 20.04.2004 and subsequent order modifying the punishment of removal from service to that of compulsory



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retirement issued in G.O.(2D) No.25, Finance (T&A-2) Department, dated 28.02.2011, are under challenge in the present writ petition.

2. It is not in dispute that the petitioner suffered the punishment of dismissal from service initially and he preferred an appeal to the Government and the punishment of removal from service was modified to that of compulsory retirement in G.O.(2D) No.25, Finance (T&A-2) Department, dated 28.02.2011.

3. The modification of punishment was issued after attaining the age of superannuation by the petitioner on 30.09.2010. Now the present writ petition has been filed after a lapse of about 7 years from the Government Order passed on 28.02.2011.

4. That apart, the order of dismissal was modified and the compulsory retirement was imposed in the year 2011 and the writ petitioner reached the age of superannuation on 30.09.2010. Thus, there is an enormous delay in approaching this Court. That apart, the petitioner filed



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the present writ petition at the age of 65 years, which is an after thought and now he would be around 70 years.

5. This being the factum, the present writ petition is liable to be rejected on the ground of laches. Therefore, the benefits as applicable to the compulsory retirement employee is to be granted to the writ petitioner. In other words, the petitioner is entitled for the benefits, including the pension pursuant to the modified punishment of compulsory retirement and the respondents are directed to ensure that the benefits are already settled as applicable to the petitioner under the Rules in force.

6. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs.

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Index : Yes/No.  
Internet : Yes/No.  
Speaking Order/Non-Speaking Order.  
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To

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**S.M.SUBRAMANIAM, J.**

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