



W.P.No.29428 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.29428 of 2022

L.Mani

.. Petitioner

Vs.

1. The Director General,
Highways Department,
Guindy, Chennai-600 025.
2. The Divisional Engineer (H) (C & M),
Highways, Construction and Maintenance,
Tiruvannamalai District-606 601.
3. Assistant Divisional Engineer (H) (C & M),
Highways, Construction and Maintenance,
Polur, Tiruvannamalai District-606 751.
4. The Accountant General (A & E),
No.361, Anna Salai,
Chennai-600 018.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the fourth respondent to pass appropriate orders by virtue of the petitioner's representation dated 24.07.2021 based on G.O.Ms.No.1856, Public Works Department, dated 22.10.1969 within the stipulated time as may be fixed by this Court.

For petitioner : Mr.G.Mohan

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For respondents: Mr.S.Balamurugan, Govt. Advocat for RR-1 to 3
Mr.V.Vijaya Shankar, Standing Counsel for R-4

ORDER

This Writ Petition has been filed for a Mandamus to direct the fourth respondent to pass final orders on the petitioner's representation, dated 24.07.2021 under which the petitioner has sought for payment of his pension, since the criminal case which was earlier pending against him, had ended in acquittal.

2. The petitioner had retired as Grade-I Road Inspector on 31.08.2019. Only due to the fact that criminal case was pending against him, his retirement benefits were not paid, including the pension amount.

3. The petitioner now contends that he was acquitted from the criminal case on 28.09.2018 by the order passed by the Criminal Court (in S.C.No.12 of 2009 on the file of Principal District and Sessions Judge, Tiruvannamalai), and in view of the acquittal, he contends that he is now entitled to get the retirement benefits as well as the pension amount.

4. The petitioner has given a representation on 24.07.2021 to the

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respondents, stating the aforementioned facts and has sought for payment of his retirement benefits as well as the pension. Since the representation has not been considered till date, he has filed the present Writ Petition.

5. Heard both sides and perused the materials available on record.

6. No prejudice would be caused to the respondents if the petitioner's representation dated 24.07.2021 referred to supra, is considered on merits and in accordance with law within a time frame to be fixed by this Court. The petitioner has filed documents along with this Writ Petition to substantiate his claim. It is for the respondents to consider the same on merits and in accordance with law.

7. Hence, this Court directs the first respondent to pass final orders on merits and in accordance with law, on the representation of the petitioner, dated 24.07.2021, seeking for payment of retirement benefits and also the pension, within a period of 12 weeks from the date of receipt of a copy of this order. While passing final orders, the first respondent shall take into consideration G.O.Ms.No.1856, Public Works Department, dated 22.10.1969.

8. With the above direction, the Writ Petition is disposed of. There shall be

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no order as to costs.

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To

1. The Director General,
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Guindy, Chennai-600 025.
2. The Divisional Engineer (H) (C & M),
Highways, Construction and Maintenance,
Tiruvannamalai District-606 601.
3. Assistant Divisional Engineer (H) (C & M),
Highways, Construction and Maintenance,
Polur, Tiruvannamalai District-606 751.
4. The Accountant General (A & E),
No.361, Anna Salai,
Chennai-600 018.

ABDUL QUDDHOSE, J

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