



W.P(MD)No.714 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.714 of 2022

and

W.M.P(MD)No.565 of 2022

K.Selvaraj

... Petitioner

Vs.

The Tahsildar,
Orathanadu Taluk,
Orathanadu,
Thanjavur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 31.03.2019 passed by the respondent in proceedings in Na.Ka.2493/2019/A6 and quash the same as illegal and consequently direct the respondent to provide the retirement benefits to the petitioner.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.A.K.Manikkam
Special Government Pleader



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ORDER

Heard the learned counsel on either side.

2.The writ petitioner was working as Village Assistant. He reached the age of superannuation on 31.03.2019. He was allowed to retire from service vide proceedings bearing Na.Ka.No.2493/2019/A6 dated 31.03.2019 issued by Tahsildar, Orathanadu. However, during the relevant time W.P(MD)No.502 of 2019 had been filed by one of the villagers. Even while allowing the petitioner to retire from service, it was directed that his retirement benefits can be disbursed subject to the outcome of the said PIL.

3.The learned counsel appearing for the writ petitioner drew my attention to the order dated 26.08.2022 made in W.P(MD)No.502 of 2019 filed by one R.Sasikumar. The petitioner herein is figuring as seventh respondent in the said writ petition. The writ petitioner had alleged that the drought relief fund has been misappropriated by the Village Administrative Officer and the petitioner herein. The said writ petition was disposed of on 26.08.2022 by recording the stand of the District Collector that action will be taken as per law and it has also been stated that the petitioner had improperly credited a sum of Rs.16,335/- into his Bank account.



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4. When the writ petitioner was allowed to retire from service, the master-servant relationship snapped then and there. However, the learned counsel appearing for the petitioner, on instructions, submitted that the respondent may withhold a sum of Rs.16,335/- since the petitioner wants to give a quietus to the issue. The impugned order states that the petitioner's terminal benefits shall be withheld subject to the outcome of W.P(MD)No.502 of 2019. The said writ petition has since been disposed of on 26.08.2022. Since the petitioner was already allowed to retire, it is not open to the respondent to withhold the terminal benefits any longer. I, therefore, direct the respondent herein to disburse all the terminal benefits and other retirement benefits payable to the petitioner. This entire exercise shall be done within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner will be paid what he is entitled to receive as per the relevant Rules. Since the issue regarding the allegation made against the petitioner is given a quietus, I direct the respondents to deduct a sum of Rs.16,335/- from the benefits payable to the writ petitioner.



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6.This writ petition is allowed accordingly. Consequently, connected miscellaneous petition is closed. No costs.

11.10.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 12.10.2022

To

The Tahsildar,
Orathanadu Taluk,
Orathanadu,
Thanjavur District.



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G.R.SWAMINATHAN, J.

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