



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.02.2022**

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.2783 of 2022

B.Sethuammal

...Petitioner

/Vs/

1.Secretary to Government,
Government of Tamil Nadu,
Revenue and Disaster Management Department,
St.George Fort, Secretariat,
Chennai - 600 009.

2.The Special Commissioner and
Commissioner for Revenue Administration,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

4.The District Collector,
Sivaganga District,
Sivaganga.

...Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd Respondent to consider and dispose of the petitioner's appeal dated 12.11.2020 for modifying the punishment of dismissal of the petitioner's husband into one of compulsory retirement and sanction pension and other retirement benefits within a reasonable time.

For Petitioner : Mr.R.Rengaramanujam

For Respondents : Mr.M.Ramesh
Government Advocate



ORDER

The relief sought for in the present writ petition is to direct the second respondent to consider and dispose of the appeal filed by the writ petitioner on 12.11.2020 for modifying the punishment of dismissal of the petitioner's husband into one compulsory retirement.

2.The husband of the petitioner, Mr.M.Balusamy was working as Revenue Inspector of Thiruppuvanam Firka of Manamadurai Taluk, Sivagangai District. The disciplinary proceedings were initiated against him and he was placed under suspension with effect from 18.12.1983. The petitioner states that her husband was dismissed from service by the order of the District Revenue Officer, Sivagangai in proceedings dated 15.12.1985. Thereafter, an appeal was filed to the Special Commissioner for Revenue Administration on 17.02.1986 and the Commissioner for Revenue Administration set aside the order of dismissal and remanded the matter back. However, the disciplinary authority imposed the punishment of dismissal from service.

3.The husband of the petitioner was due to retire from service on 31.05.1987 and he filed an appeal to the Government. The husband of the petitioner died on 08.06.1989. However, the petitioner, after the death of her husband has not pursued the matter immediately. Now after a lapse of 32 years from the date of death of the employee, the petitioner filed the present writ petition seeking a direction to consider the representation submitted by her on 12.11.2020.

4.This Court is of the considered opinion that no doubt the punishment of dismissal imposed in the year 1988 cannot be interfered with by this Court at this length of time. The employee died in the year 1989. In respect of the Government employees dismissed from service, they are not entitled for the terminal benefits.

5.However, learned counsel for the petitioner states that when the husband of the petitioner was in suspension, the allowances were not paid in accordance with the Rules. On account of efflux of time, this Court is unable to crystalize the rights of the petitioner.

6.However, the authorities have to verify the service records of the dismissed employee, who died and ascertain whether any dues are to be paid to him, as per the Rules in force. In the event of any due pending, then appropriate steps shall be taken to settle the said dues to the petitioner, who is legal heir of the dismissed employee, who died in the year 1989.



7. With these observations, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. Secretary to Government,
Government of Tamil Nadu,
Revenue and Disaster Management Department,
St. George Fort, Secretariat,
Chennai - 600 009.

2. The Special Commissioner and
Commissioner for Revenue Administration,
Chepauk,
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3. The District Collector,
Ramanathapuram District,
Ramanathapuram.

4. The District Collector,
Sivaganga District,
Sivaganga.

+1 CC to M/s. SPL GP (SR-5902[F] dated 14/02/2022)

Order made in
W.P. (MD) No. 2783 of 2022
11.02.2022

PKP/25.02.2022/3P/6C