



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.3581 of 2020

and

W.M.P.(MD) No.3024 of 2020

WEB COPY

D.Vijayakumar

... Petitioner

vs.

1.The Managing Director
Tamil Nadu Housing Board
493, Annasalai, Nandanam
Chennai-600 036

2.The Executive Engineer and
Administrative Officer
Madurai Housing Unit
Tamil Nadu Housing Board
Madurai

3.The Inspector of Police
Vigilance & Anti-Corruption
Madurai

4.The Administrative Officer
Tamil Nadu Housing Board
493, Annasalai, Nandanam
Chennai-600 036

... Respondents

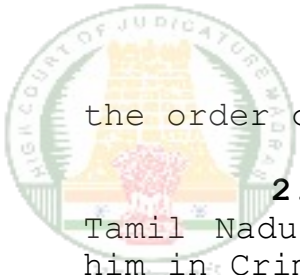
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records of the 4th respondent in Memo No.DC2/3769/2014, dated 18.12.2019 and quash the same as illegal and in consequence thereof direct the 1st Respondent to permit the petitioner to encash the entire accumulated earn leave salary, salary for the leave on private affairs, special provident fund, provident fund at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : No appearance for R1 & R4
Mr.M.Mehaboob Athiff for R2
Mr.D.S.Nedunchezian
Government Advocate for R3

O R D E R

The order of rejection, dated 18.12.2019, passed by the fourth respondent, rejecting the claim of the petitioner for settlement of terminal and pensionary benefits and also to withdraw



the order of suspension is under challenge in this writ petition.

2. The petitioner was working as Junior Assistant in the Tamil Nadu Housing Board. A criminal case was registered against him in Crime No.9 of 2017, under Sections 120-B, 167, 409 I.P.C., 13 (2) r/w 13(1)(c) & (d) of Prevention of Corruption Act, 1988. Departmental disciplinary proceedings were also initiated against him. In view of the fact that the petitioner attained the age of superannuation, his services were extended by invoking the fundamental rules and the order of suspension was also extended. The request of of the petitioner to settle the terminal benefits was rejected.

3. This Court is of the considered opinion that the petitioner has already reached the age of superannuation. He was placed under suspension and his services were extended. The criminal case registered against the petitioner is pending. Departmental disciplinary proceedings are also initiated against the petitioner. Under these circumstances, the petitioner has to participate in the departmental disciplinary proceedings and in the criminal trial and only after disposal of the criminal proceedings, he would be entitled to all the benefits in accordance with the Rules. It is made clear that the petitioner is entitled for provisional pension not exceeding to the subsistence allowance as applicable. Therefore, the respondents are directed to pay the provisional pension as applicable under the Rules from the date of suspension till the disposal of the disciplinary proceedings.

4. With the above clarification, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:
The Inspector of Police,
Vigilance & Anti-Corruption, Madurai.

+1 CC to M/s.SPL.GP (SR-16705[F] dated 05/04/2022)

W.P. (MD) No.3581 of 2020 and

W.M.P. (MD) No.3024 of 2020

04.04.2022