



WEB COPY



W.P.No.1526 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1526 of 2023

Chandran

...Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. By its Secretary
Revenue Department,
Fort St. George,
Chennai 600 009.

2. The District Collector,
Cuddalore District.

3. The Revenue Divisional Officer,
Chidambaram Taluk,
Cuddalore District

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents to sanction and disburse the monetary benefits payable to the petitioner such as gratuity, encashment of earned leave, commutation of pension and general provident fund, pursuant to the order of dismissal from service dated 01.02.2009 passed by the third respondent, in the light of the judgemet dated 31.07.2019 passed in W.A.(MD) No.105 of 2019 and by



W.P.No.1526 of 2023

considering petitioner's representation dated 22.03.2022.

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For Petitioner : Mr.M.Elumalai

For Respondents : Mr.RU.Dinesh Rajkumar
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation made by the petitioner on 22.03.2022 wherein the petitioner has requested the respondents to pay the gratuity, encashment of earned leave, commutation of pension and General Provident Fund.

2. The brief facts of the case are as follows :-

- The petitioner was appointed as a Village Administrative officer in the year 1984. A complaint came to be given against the petitioner on the ground that he demanded bribe for issuing a legal heirship certificate. An FIR was registered in Crime No.5 of 2022 and ultimately, the petitioner faced trial in Special Case No.1 of 2003. The petitioner was convicted for an offence under Section



W.P.No.1526 of 2023

WEB COPY

7 of the Prevention of Corruption Act and was sentenced. The judgement of the Trial Court was confirmed by this Court in Crl A No.790 of 2008 by judgement dated 19.09.2017. Subsequently, this was also confirmed by the Apex Court by an order dated 12.02.2018. In the meantime, based on the conviction, the petitioner was dismissed from service by the 3rd respondent by an order dated 01.02.2009. The petitioner made representations to the respondent seeking for disbursement of gratuity, encashment of earned leave salary, commutation of pension and General Provident Fund on the ground that he is entitled for all these benefits even though he was dismissed from service. Since the representations were not considered by the respondents, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.M.Elumalai, learned counsel for the petitioner and Mr.RU.Dinesh Rajkumar, Additional Government Pleader appearing on behalf of respondents.



W.P.No.1526 of 2023

WEB COPY

4. Taking into consideration the limited relief sought for in this writ petition and without going into the merits of the case, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 22.03.2022 and deal with the same on its own merits and in accordance with law and take a decision within a period of six weeks from the date of receipt of the copy of this order.

5. The petitioner is directed to make a fresh representation to the 2nd respondent along with all relevant documents and also a copy of this order. This writ petition is disposed of with the above directions. No costs.

23.01.2023

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Index:Yes/No

Internet:Yes/No



W.P.No.1526 of 2023

To

WEB COPY

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WEB COPY



W.P.No.1526 of 2023

N.ANAND VENKATESH, J.,

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W.P.No.1526 of 2023

23.01.2023