



W.P.No.29641 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29641 of 2011

Karanandan (died)

1.K.Selvi

2.K.Suganthi

3.K.Veenashree

(Petitioners 1 to 3 were impleaded

as per the order of this Court dated 30.11.2023)

... Petitioners

Vs.

1.The Commissioner

Athur Municipality

Salem District.

2.The Director of Local Fund Audit

Kuralagam

Chennai – 108.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 1st respondent in Na.Ka.No.196/2009/C1 dated 22.05.2009 followed by the Rule 8(2) of Tamil Nadu Municipal Service Rules 1970 and quash the same and consequentially direct the 2nd respondent to sanction the entire terminal benefits with 18 % interest.



W.P.No.29641 of 2011

WEB COPY

For the Petitioners : Mr.A.R.Nixon

For the Respondents : Mr.M.Muthuswamy
Government Advocate

ORDER

This Writ Petition is filed, challenging the Charge Memo dated 22.05.2019 issued to the writ petitioner, viz., Karanandan.

2.The case of the second petitioner is that her husband, viz., Karanandan was working as Bill Collector in the respondent Municipality and he was to retire by way of superannuation with effect from 30.06.2009. Just one month prior to his retirement, a Charge Memo dated 22.05.2019 was issued. Thereafter, he was permitted to retire from service, without prejudice to the continuation of the disciplinary proceedings. However, there is no express rule to continue the disciplinary proceedings and no orders were also issued and the matter was kept pending. Therefore, on the said grounds challenging the Charge Memo, the present Writ Petition is filed.

3.Pending Writ Petition, the said Karanandan died on 07.06.2013 and



W.P.No.29641 of 2011

until his death, no final orders were passed in the disciplinary proceedings.

Therefore, no further orders can be passed in the matter.

4.It is now brought to the notice by the learned counsel appearing on behalf of the petitioners that merely because these proceedings are pending, the entire terminal benefits, which is to be settled to the second petitioner has not been settled, even after the death of the second petitioner's husband.

5.Once the second petitioner's husband died, even before finalisation of the disciplinary proceedings, no further order of punishment or recovery can be passed. In that view of the matter, when the second petitioner and other petitioners are legal heirs, all the retiral benefits which are due and were payable upon superannuation of the deceased Karanandan as on 30.06.2009, shall be paid and consequent upon his death, if any family pension and other arrears have to be paid to the second petitioner.

6. In the result, this Writ Petition is allowed on the following terms:-

(i) All the retiral benefits, which are due and were payable upon the



W.P.No.29641 of 2011

WEB COPY

superannuation of the deceased Karanandan, as on 30.06.2009 and the family pension and all arrears payable upon his death shall be settled to the petitioners, within a period of four months from the date of receipt of a copy of this order,

(ii) If the above mentioned amounts are not settled to the second petitioner, within the above mentioned reasonable time, then the same shall be settled with interest @ 9% per annum from the date on which the amount became due, till the date of settlement,

(iii) If the amount of gratuity is also not settled, the same shall be settled with the statutory interest as fixed by the Government from time to time, with effect from 30.06.2009 till the date of settlement.

(iv) No costs.

30.11.2023

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Index: Yes

Speaking Order: Yes

Neutral Citation: No



W.P.No.29641 of 2011

WEB COPY

To

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WEB COPY



W.P.No.29641 of 2011

D.BHARATHA CHAKRAVARTHY, J.,

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W.P.No.29641 of 2011

30.11.2023