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W.P. No. 4961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4961 of 2023

K.Jayakumar

... Petitioner

-VS-

The Inspector General of Registration,
Santhome High Road,
Chennai – 28.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to settle the retirement benefits based on the order passed by the Respondent dated 29.07.2022 within reasonable time with interest.

For Petitioner : Mr. S.Sivakumar

For Respondent : Mrs. R.Anitha,
Special Government Pleader

ORDER

Heard Mr.S.Sivakumar, Learned Counsel for the Petitioner and Mrs.R.Anitha, Learned Special Government Pleader appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Writ Petition has been filed directing the Respondent to settle the retirement benefits with interest based on the Order No. 6368/V2/2004 dated 29.07.2022 passed by the Respondent within reasonable time.

3. The Respondent has filed report dated 18.04.2023 on the aforesaid representation dated 07.12.2021 made by the Petitioner, stating as follows:-

“4. It is further submitted that based on the orders of the Hon'ble High Court in W.P. No. 24849 of 2012 dated 21.01.2013 and W.A. No. 931 of 2013 dated 30.07.2014, the disciplinary proceedings were dropped by the Respondent herein, vide Proceedings No. 6368/V2/2004-1 dated 15.03.2018. It is further submitted that the Hon'ble High Court in Crl.O.P. No. 15608 of 2021 dated 25.11.2021 has dismissed the Criminal Case against the Petitioner. Subsequently, the Respondent herein has passed orders vide Proceedings No. 6368/V2/2004 dated 29.07.2022, allowing the Petitioner to retire from service with effect from 30.11.2012. The following actions have been taken by the Respondent herein, in order to disburse his terminal benefits.

(i) Earned leave of 240 days has been encashed and credited to the Petitioner's Bank Account on 12.04.2023.



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- (ii) *Unearned Leave on Private Affairs of 180 days has been encashed and credited to the Petitioner's Bank Account on 17.04.2023.*
- (iii) *The period of suspension from 07.02.2004 to 26.04.2005 was regularized as duty vide the Respondent's Proceedings No. 28055/K1/2022 dated 14.11.2022. An erratum to this order was issued vide the Respondent's Proceedings No. 11917/K1/2023 dated 06.04.2023. The Bill for drawing the duty pay for the abovementioned period is processed and the amount shall be credited to his account within 10 days time.*
- (iv) *As soon as his duty pay for the abovementioned period is drawn disbursed, his increments that would have accrued during the period of his suspension would be regularized. After sanctioning the increments, proposal of pension and Death-cum-Retirement Gratuity would be submitted to the Accountant General at the earliest by the Respondent who is the pension disbursal authority as the Petitioner has superannuated from the office of the Inspector General of Registration. The entire process from regularization of*



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*increments to authorization of pension will be completed
within a period of four weeks.”*

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In such circumstances, it shall be incumbent upon the concerned authorities to make the payment of the remaining amount of eligible monetary benefits due to the Petitioner along with working-sheet showing its calculation within a period of three months from the date of receipt of a copy of this order. It is needless to add here that if the Petitioner still has any further grievance, he is not precluded from working out his remedies before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

21.04.2023

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Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 06.10.2023.

To

The Inspector General of Registration,
Santhome High Road, Chennai – 28.

Copy to

The Registrar (Judicial),
Madras High Court, Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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