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W.P.Nos.28412 and 28413 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.28412 and 28413 of 2013
and M.P.Nos.1, 1, 2, 2, 3 and 3 of 2013

- | | |
|---------------------|---|
| 1. G.Purushothaman | ... Petitioner in W.P.No.28412 of 2013 |
| 2. V.Krishnamoorthi | ... Petitioner in W.P.No.28413 of 2013 |

-Vs-

- | | |
|--|-------------------------------------|
| 1. The Director of Employment and Training,
Guindy, Chennai-32. | |
| 2. The Commissioner of Employment and Training,
Chennai-32. | ... Respondents in both W.Ps |

Prayer in W.P.No.28412 of 2013:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records in respect of the impugned order of suspension passed by the first respondent dated 27.08.2012 passed in Proc.No.74129/OP2/2005 and consequent order of not permitted to retire from service dated 28.08.2012 passed in Proc.No.74129/OP2/2005 and quash the same, consequently direct the respondents herein to disperse all the retirement and monetary benefits including, DCRG, Commutation of pension, Special Provident Fund, Gratuity and other terminal and



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pensionary benefits including the pending claims as made by the petitioner herein in his representation dated 09.01.2012 within a reasonable period.

Prayer in W.P.No.28413 of 2013:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records in respect of the impugned order of suspension passed by the first respondent dated 23.03.2012 passed in Proc.No.74129/OP2/2005 and consequent order of not permitted to retire from service dated 30.03.2012 passed in Proc.No.74129/OP2/2005 and quash the same, consequently direct the Respondents herein to disperse all the retirement and monetary benefits including, DCRG, Commutation of pension, Special Provident Fund, Gratuity and other terminal and pensionary benefits including the pending claims as made by the petitioner herein in his representation dated 12.01.2012 within a reasonable period.

In both W.Ps

For Petitioner : Mr.R.Nalliyappan
For Respondents : Mr.R.P.Murugan Raja
Government Advocate

COMMON ORDER

The Writ Petition in W.P.No.28412 of 2013 has been filed as against the order of suspension passed by the first respondent dated 27.08.2012 passed in Proc.No.74129/OP2/2005 and consequent order of



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not permitting to retire from service dated 28.08.2012 passed in Proc.No.74129/OP2/2005.

2. The Writ Petition in W.P.No.28413 of 2013 has been filed as against the order of suspension passed by the first respondent dated 23.03.2012 passed in Proc.No.74129/OP2/2005 and consequent order of not permitting to retire from service dated 30.03.2012 passed in Proc.No.74129/OP2/2005.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents and perused the materials available on record.

W.P.No.28412 of 2013:-

4. The petitioner was appointed as Typist in the office of the respondents, on 31.12.1976. Thereafter, he was promoted as an Assistant on 22.06.1984 and finally he was promoted as Training Officer on 03.08.2001. When he was serving as Office Manager at Government Industrial Training Institute, Salem, he was suspended from service from 29.12.2005, on the allegation that he had given loan to the co-employees



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for exorbitant interest. Since the petitioner claimed exorbitant interest, one Pushpanathan, along with his family members committed suicide on 22.05.2005. Therefore, FIR was registered in Crime No.2624 of 2005 on the file of Inspector of Police, Hastampatti Police Station under Section 174 Cr.P.C altered into Section 306 IPC against the petitioner and others. The final report has been filed and the same has been taken cognizance by the Trial Court and pending in C.C.No.33 of 2008, on the file of the learned Judicial Magistrate No.III, Salem.

5. After registration of FIR, the petitioner was arrested and remanded to judicial custody and he was suspended from service and he was served with charge memo dated 30.12.2011 under Rule 17(b) of Tamil Nadu Civil Services (Disciplinary and Appeal) Rules. Before serving the charge memo, the petitioner was reinstated into service by revoking an order of suspension. However, in the departmental proceedings, all the charges were found not proved and as such he was discharged from all the charges. However, the criminal charges framed against the petitioner in C.C.No.33 of 2008 is pending on the file of the learned Judicial Magistrate No.III, Salem. Therefore, the petitioner was



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suspended one day before the date of his superannuation namely on 27.08.2012. Though the petitioner was not permitted to retire from service since he was placed under suspension, the petitioner was granted other benefits along with the monthly subsistence allowance, which are as follows:-

<i>S.No</i>	<i>Pension Benefits</i>		<i>Invoice No.</i>	<i>Total Amount Rs.</i>	<i>Cross Amount Rs.</i>	<i>Cash on date</i>	<i>Place</i>
1.	GPF		MB:58/2012-2013	63,619/-	63,619/-	18.10.2012	District Treasury, Salem
2.	SPFCGS 1984						
	1.	Subscriptions	MB:59/2012-2013	2,960/-	2,960/-	03.12.2012	District Treasury, Salem
	2.	Interest	MB:60/2012-2013	18,103/-	18,103/-	03.12.2012	
3.	SPFCGS 2000						
	1.	Subscriptions	MB:61/2012-2013	7,150/-	7,150/-	03.12.2012	District Treasury, Salem
	2.	Interest	MB:62/2012-2013	7,020/-	7,020/-	03.12.2012	

6. Insofar as the other terminal benefits are concerned, he will be entitled only after completion of criminal trial which is pending in C.C.No.33 of 2008 on the file of the learned Judicial Magistrate No.III, Salem.



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7. In view of the above, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, W.P.No.28412 of 2013 stands dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

W.P.No.28413 of 2013:-

8. This petitioner is also one of the accused in C.C.No.33 of 2008 on the file of the learned Judicial Magistrate No.III, Salem. However, pending trial, the petitioner expired on 02.12.2013. On his demise, the entire charges against the petitioner was abated. Therefore, the legal heirs of the deceased petitioner were entitled to receive his benefits in accordance with law. Accordingly, by an order dated 02.09.2015, all the legal heirs of the deceased petitioner had received all the benefits which are as follows:-

<i>S.No</i>	<i>Pension Benefits</i>	<i>Invoice No.</i>	<i>Total Amount Rs.</i>	<i>Cross Amount Rs.</i>	<i>Cash on date</i>	<i>Place</i>
1.	DCRG	MB:17/2016-2017	6,59,216	6,59,216	06.03.2017	District Treasury, Salem
2.	EL & UEL (Final Surrenders)	PB:24/2016-2017	4,72,571	4,60,262	19.09.2016	
3.	SPFCGS 1984					



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S.No	Pension Benefits	Invoice No.	Total Amount Rs.	Cross Amount Rs.	Cash on date	Place
	1. Subscriptions	MB:25/2012-2013	2,960	2,960	25.02.2013	District Treasury, Salem
	2. Interest	MB:26/2012-2013	17,447	17,447	25.02.2013	
	3. Government Grants	MB:9/2016-2017	10,000	10,000	30.09.2016	
4.	SPFCGS 2000					
	1. Subscriptions	MB:27/2012-2013	6,850	6,850	04.02.2013	District Treasury, Salem
	2. Interest	MB:28/2012-2013	6,320	6,320	04.02.2013	
5.	Increment Arrears 2006 to 2011	PB:3/2016-2017	3,16,895	2,70,622	12.05.2016	
6.	S.G. Fixation at reader	PB:15/2018-2019	23,838	23,838	02.07.2018	
7.	Revised DCRG Final	MB:13/2018-2019	39,856	39,856	14.11.2018	
8.	EL Surrender Revised	PB:13/2018-2019	13,607	13,607	21.12.2018	

9. In view of the above, W.P.No.28413 of 2013 is closed.

Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

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Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

1. The Director of Employment and Training,
Guindy, Chennai-32.
2. The Commissioner of Employment and Training,
Chennai-32.

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