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W.P.No.28040 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.10.2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Writ Petition No.28040 of 2014

J.Karthikeyan

... Petitioner

Vs.

1. The Secretary to the Government,
Department of Higher Education,
Fort St. George,
Chennai- 600 009.
2. The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai-600 025.
3. The Executive Director,
Tamilnadu Science and Technology Centre,
Directorate of Technical Education,
Guindy, Chennai- 600 025.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus, to direct the respondents particularly the third respondent to disburse the petitioners retirement/terminal benefits and grant him full pension after keeping a sum of Rs.12,600/- being the total punishment charges imposed in proceedings Nos.(1)3120/E1/2007, dated 07.08.2007, (2) 4722/E1/2009, dated 23.11.2009 and (3) 3087/E1/2008, dated 29.07.2010 imposing deduction of Rs.1,000/- per month for six



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months, Rs.500/- per month for one year and Rs.100/- per month for six months respectively pending disposal of my consolidated appeal dated 02.07.2014.

For Petitioner : M/s.Pushpavathi
for M/s.S.Arunachalam Associates

For Respondents : M/s.C.Sangamithirai,
Special Government Pleader for R1 &
R2
: M/s.Ilamvaludhi, for R3

.....

ORDER

This petition is filed seeking for direction to the respondent to pay the terminal benefits such as D.C.R.G., and pension basing on the salary the petitioner would have drawn on the basis of the 5th Pay Commission and also to grant arrears of increment from 2008 onwards.

2. Learned counsel for the petitioner has submitted that the petitioner had joined as a Graduated Operator in the Birla Planetarium on 30.06.1987 under the control of third respondent. Even after completion of five years of service, though the promotion is guaranteed to the staff members of the third respondent Technology centre, the petitioner was not given promotion in



spite of making several requests. The Petitioner continued the service in same post as Scientific Assistant Grade-II, until attaining the age of superannuation on 30.09.2010 after completion of 20 years of service.

3. Third respondent issued a charge memo under Rule 17(b) of CCA (D&A) Rules vide Proceedings No.2828/E1/2005, dated 22.06.2005. After conclusion of enquiry, the petitioner was imposed with the punishment of stoppage of increment for one year without cumulative effect. The petitioner was also given another charge vide proceedings No.4191/E1/2005, dated 18.10.2005 and enquiry was completed after nine years and petitioner was exonerated from the charge as it was not proved. Petitioner was also given some other charge memo and initiated enquiry, however during the pendency of this said proceedings, he was permitted to retire from service on 30.09.2010, without prejudice to the departmental enquiry and all terminal benefits are withheld by the respondents.

4. Petitioner was not sanctioned provisional pension, provisional gratuity etc. The petitioner has filed W.P.No.15886 of 2013 seeking for a direction to the respondents to pay provisional pension from the date of retirement after including the annual increment from 2008 duly computing



the 5th Pay Commission recommendations and to pay the gratuity with 12% interest per annum from the date of retirement. The said Writ Petition was disposed of on 14.06.2013, directing the third respondent to complete the disciplinary proceedings within 6 months from the date of receipt of the order. The third respondent has passed final orders in the enquiry dated 05.06.2014, imposing deduction of Rs.1,000/- per month for a period of six months and Rs.500/- per month for a period of one year and Rs.100/- per month for a period of six months to the respective charges which aggregated to a total sum of Rs.12,600/-. Petitioner was sanctioned provisional pension from 31.12.2012. It is submitted that in spite of number of representations, the benefits are not been released by the respondents and therefore sought for suitable directions.

5. Petitioner has enclosed all relevant copies of relevant documents and the respondent has not filed counter.

6. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners submitted that petitioner has preferred an appeal against the punishments imposed by the respondents in three proceedings against three charges by imposing punishment of pension cut of Rs.100 per



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month for a period of six months, punishment of pension cut of Rs.500/- per

month for a period of one year and punishment of pension cut of Rs.1000/-

per month for a period of six months. Said Appeal was considered by the

Government and all the punishments were set aside. To that extent, the

learned counsel for the petitioner has filed G.O.(D).No.125, Higher

Education (B2) Department, dated 19.04.2018. The operative portion of the

above said G.O, is extracted hereunder.

“7. Hence it is concluded that the punishment imposed for the three charges against the petitioner Thiru.J.Karthikeyan, Scientific Assistant, Grade II by the Executive Director, Tamil Nadu Science and Technology Centre in his proceedings second, third and fourth read above are not legally sustainable under law and they are liable to be set aside. Accordingly, the proceedings of Executive Director, Tamil Nadu Science and Technology Centre in second, third and fourth read above imposed punishment against Thiru.J.Karthikeyan, Scientific Assistant Grade II (Retired) are set aside.”

7. The petitioner has also filed a document to show that in consequence of G.O.(D).No.125, Higher Education (B2) Department, dated 19.04.2018, the Additional Secretary to Government had addressed a letter to the Executive Director (i/c), Tamilnadu Science and Technology Centre,



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Chennai-25, vide Letter (D) No.210, dated 27.06.2018, to sanction of pensionary benefits to the petitioner as per the procedure. The petitioner has also filed the copy of report of the Accountant General (A &E), Tamil Nadu, Chennai, to show that orders have been implemented. On considering these submissions made by the learned counsel for the petitioner basing on the G.O.(D).No.125, Higher Education (B2) Department, dated 19.04.2018, Letter of the Additional Secretary to the Government and also the copy of the report of the Accountant General (A&E), Tamilnadu, the punishment imposed by the respondents in the disciplinary proceedings were not only set aside, the pensionary benefits as sought for in this Petition have already been granted and credited to the account of the petitioner.

8. Once all the benefits as sought for by the petitioner in the Writ Petition have already been granted, therefore cause does not survive in this petition.

9. In view of the above, this Writ Petition is dismissed as infructuous.

No costs.

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Index: Yes/No

Neutral Citation: Yes/No

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Dr.D.NAGARJUN, J.

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