



WEB COPY



W.P.No.25951 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.25951 of 2023

R.Lingathirumaran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Additional Chief Secretary to the Government,
Home Department,
Fort St. George, Chennai – 600 009.

2.Deputy Secretary to Government,
Home (Police 2) Department,
Fort St. George,
Chennai – 600 009.

3.The Superintendent of Police,
PSP Nagar,
Tirunelveli District,
i/c. Thoothukudi District – 628 101.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to pay all Death-cum-Retirement Gratuity, General Provident fund, Terminal leave Salary, Special Provident Fund, Leave Encashment benefits, Family Benefit Fund, Commutation and Pension with arrears w.e.f. actual date of retirement along with interest at the rate of 9% per annum.



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For Petitioner : Mr.A.S.Aswin Prasanna
For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This writ petition has been filed to direct the 1st respondent to pay all Death-cum-Retirement Gratuity, General Provident fund, Terminal leave Salary, Special Provident Fund, Leave Encashment benefits, Family Benefit Fund, Commutation and Pension with arrears w.e.f. actual date of retirement along with interest at the rate of 9% per annum.

2.It is the case of the petitioner that he was placed under temporary suspension vide order in G.O.(2D) No.139, Home (Police-2) Department, dated 17.05.2019. Thereafter, he was not permitted to retire from service citing the criminal case pending against him in Crime No.1/AC/2017/CC-V for allegedly demanding bribe. It is the grievance of the petitioner that the criminal case and the departmental proceedings against the petitioner are still pending, because of which, the petitioner has not been paid any of his terminal benefits. Hence, the writ seeking directions to release the terminal benefits to the petitioner.



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3. Heard the learned counsel for the petitioner and

Mr. V. Jeevagiridharan, learned Additional Government Pleader, who takes notice for the respondents.

4. Admittedly, the petitioner has not been permitted to retire on his attaining the age of superannuation and disciplinary proceedings is still pending against him. In such view of the matter, the petitioner, as a matter of right, cannot seek all the retirement benefits until the criminal case against him is over. However, in any event, even in the worst case, if ultimately a dismissal order is passed against the petitioner in conclusion of the disciplinary proceedings, the petitioner would be entitled to payment of the contributions made by him, like amounts accrued under General Provident Fund, Special Provident Fund and Leave Encashment. Therefore, there is no impediment in releasing those amounts to the petitioner.

5. Therefore, there shall be a direction to the respondents to pass orders releasing the amounts payable under General Provident Fund, Special Provident Fund and Leave Encashment alone, to the petitioner, within a period of three months from the date of this order.



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6. With the above direction, this writ petition is disposed of. No

costs.

05.09.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Additional Chief Secretary to the Government,
State of Tamil Nadu,
Home Department,
Fort St. George, Chennai – 600 009.
2. The Deputy Secretary to Government,
Home (Police 2) Department,
Fort St. George, Chennai – 600 009.
3. The Superintendent of Police,
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