



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **C. V . KARTHIKEYAN**

W.P.No. 22348 of 2017

P. Ganesan

.. Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Chennai – 600 003.

2.The Regional Deputy Commissioner (Central),
Central Regional Office,
Greater Chennai Corporation,
Chennai - 3.

3.The Principal Accountant General (A.E)
Anna Salai,
Chennai – 18.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant and disburse (i) encashment of earned leave at credit, (ii) Un-earned leave on private affairs, (iii) Special Provident Fund and (iv) the petitioners contribution towards General Provident Fund to the petitioner along with interest on the delayed payment within a limited time frame.



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For Petitioner	.. Mr. M. Ravi
For R1 & R2	.. Ms. P. T. Ramadevi, Standing Counsel
For R3	.. Mr. V. Murali

ORDER

This Writ Petition has been filed in the nature of Mandamus, seeking a direction to the respondents, particularly to the 1st and 2nd respondents, the Greater Chennai Corporation, to grant and disburse (i) Encashment of Earned Leave at credit, (ii) Un-earned Leave on Private Affairs, (iii) Special Provident Fund and (iv) the petitioner's contribution towards General Provident Fund to the petitioner together with interest for the delayed period within a time period.

2.The petitioner had joined service under the 1st and 2nd respondents on 14.03.1979 as a Painter. He then moved up the ladder and was appointed as a Conservancy Inspector on 01.05.1994. However, he came to be the focus of a complaint, which necessitated registration of FIR in Crime No.5/AC/2010/HQ by the Deputy Superintendent of Police, Special Investigation Cell, Vigilance and Anti-Corruption, Chennai under Sections 7 and 13(1) r/w. 13(1)(d) of Prevention of Corruption Act, 1988, in short for



the charges of accepting illegal gratification or more commonly called as bribe amount. The petitioner was placed under suspension pending the criminal proceedings. The proceedings finally came to an end on 31.03.2022 and the learned IV Additional Sessions Judge, Chennai, in C.C.No.3 of 2011, acquitted the petitioner of all charges.

3.The learned counsel for the petitioner states that the disciplinary proceedings which had been initiated had also come to a favourable end insofar as the petitioner and the petitioner has been exonerated on all charges.

4.The law is quite clear on this aspect. If a person acquitted, then he stands cleared of every offence charged against him and there cannot be any re-visitation of those charges on the said individual, either in the course of his service or otherwise.

5.By this Writ Petition, therefore, a Mandamus is sought that the respondents should disburse the aforementioned categories of emoluments which are due and payable to the petitioner herein.



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6.The learned counsel for the 1st and 2nd respondents, however, stated that though it is not the subject matter of the Writ Petition, the petitioner had availed a loan and that the petitioner will be paid the dues after proper adjustment of the loan amount.

7.These are issues purely between the petitioner and the 1st and 2nd respondents. So far as, this Court is concerned, in view of the acquittal in the aforementioned calender case in C.C.No.3 of 2011 by the learned IV Additional Sessions Judge, Chennai, the petitioner is entitled for all emoluments as stated above. I am not prepared to enter into a discussion of adjustment and it is for the respondents to put that to the petitioner and for the petitioner to either accept it or to question it in appropriate proceedings. So far as the Mandamus is concerned, a Mandamus is issued, and a direction is issued to the respondents to workout the amounts payable to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order and disburse the same in accordance with the rules and regulations, with or without deducting the loan amount, which again should be in conformity with the rules and regulations of the 1st and 2nd respondents.



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8. The learned counsel for the petitioner claims interest for the delayed payment. Again I would fall back to the rules and regulations and if the petitioner is entitled for the interest, the respondents may pay the interest and if the respondents are of the opinion that interest is not payable to the petitioner, then necessary reasons must be given for denying the same and the petitioner can question those reasons in appropriate proceedings.

9. With the above observations, this Writ Petition stands allowed. No costs.

03.07.2023

Index: Yes/No
Internet: Yes/No
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To,

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Chennai – 600 003.
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C.V.KARTHIKEYAN,J.

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W.P.No.22348 of 2017

03.07.2023