



W.P.(MD).No.23993 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.23993 of 2022

and

W.M.P(MD)Nos.18076 & 18077 of 2022

R.Kaliyamoorthy

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusami Street,
Kilpauk,
Chennai.

2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Moopanar Road,
Thanjavur District.

3.The Regional Manager,
Kalyanaramapuram 1st Street,
Thirukokarnam Post,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned charge memo dated 21.06.2015 in Na.Ka.No.M3/8063/2015 issued by the second respondent and impugned suspension order dated 31.01.2017 vide



W.P.(MD).No.23993 of 2022

Se.Mu.Aa.Na.Ka.No.YeE14/68960/2016 issued by the first respondent and quash the same as illegal and consequently direct the first respondent to disburse the retirement benefits of the petitioner.

For Petitioner : M/S.S.Chamundi Bose

For Respondents : Mr.G.Mohan Kumar
Standing Counsel

ORDER

The present Writ Petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, to quash the impugned charge memo dated 21.06.2015 issued by the second respondent and impugned suspension order dated 31.01.2017 issued by the first respondent and consequently direct the first respondent to disburse the retirement benefits of the petitioner.

2.Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents and perused the materials available on record.

3.The petitioner joined in the service of the respondent Corporation as a Bill Clerk and he was promoted to the post of



W.P.(MD).No.23993 of 2022

Assistant Quality Inspector and thereafter, he was promoted to the post of Quality Inspector. At the verge of his retirement, on attaining the age of superannuation on 31.01.2017, the petitioner was served with the impugned suspension order, dated 31.01.2017. As a result of which, an order to retain him in service was passed on the same day on 31.01.2017. Time and again, the said retention order was extended and lastly, the same was extended on 27.04.2021 till 31.10.2021 and thereafter, his service was not further retained, as a result of which he is deemed to have been retired from service. However, the same should be observed only without prejudice to the pending disciplinary proceedings.

4. In view of the same, this Court hereby observe that the petitioner is inclined to receive his terminal benefits, like Gratuity and Provident Fund. Hence, the third respondent is directed to disburse the Gratuity and Provident Fund to the petitioner, which he is entitled to, within a period of eight weeks from the date of receipt of a copy of this order. However, the disbursement of all the other terminal benefits would be subject to the outcome of the disciplinary proceedings which is pending.



W.P.(MD).No.23993 of 2022

5. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

08.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



W.P.(MD).No.23993 of 2022

WEB COPY

To

- 1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.12, Thambusami Street,
Kilpauk,
Chennai.
- 2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Moopanar Road,
Thanjavur District.
- 3.The Regional Manager,
Kalyanaramapuram 1st Street,
Thirukokarnam Post,
Pudukottai District.



WEB COPY



W.P.(MD).No.23993 of 2022

L.VICTORIA GOWRI, J.

ps

W.P.(MD)No.23993 of 2022

08.09.2023