



W.P(MD)No.22325 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22325 of 2023

K.Baby

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Revenue Officer,
Thanjavur District,
Thanjavur.

3.The Revenue Divisional Officer,
Thanjavur District,
Thanjavur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents permit to retire the petitioner from service dated 30.04.2012 and consequently direct the respondents to settle all the retirement benefits including arrears of salary and pension.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader



W.P(MD)No.22325 of 2023

ORDER

WEB COPY

The present writ petition has been filed by a Village Administrative Officer seeking a Mandamus directing the official respondents to permit him to retire from service with effect from 30.04.2012.

2. According to the writ petitioner, she was appointed as Village Administrative Officer in the year 1984 and she was suspended from service on 25.08.2005 on certain charges. The enquiry was conducted. She was implicated in a criminal case in Crime No.5 of 2012 on the file of Special Court for Prevention of Corruption Act, Tiruchirappalli. After trial, she was acquitted on 31.05.2012. The petitioner had challenged the order of suspension in W.P(MD)No.12065 of 2009 and the same was allowed by this Court. In compliance with the orders of this Court, the order of suspension was revoked by the respondents on 08.04.2010.

3. After being reinstated, the petitioner was issued with a charge memo and it culminated in the imposition of punishment of stoppage of increment for 3 years with cumulative effect. In the meantime, the petitioner attained superannuation on 30.04.2012. However, the terminal



W.P(MD)No.22325 of 2023

benefits were not released. Hence, the present writ petition.

WEB COPY

4. Per contra, the learned Additional Government Pleader appearing for the respondents had contended that a second charge memo was issued to the writ petitioner on 12.12.2013. In view of the said departmental proceedings, her terminal benefits were not released. The learned Additional Government Pleader brought to the notice of the Court that the enquiry arising out of the second charge memo has been completed by the Special Tahsildar and the enquiry report has been forwarded to the 3rd respondent herein for passing final orders on 24.05.2022. The said enquiry report is pending before the 3rd respondent for more than 1 year for passing final order.

5. In view of the above said facts, this Court finds that the 3rd respondent could be directed to pass final orders based upon the enquiry report submitted by the Special Tahsildar on 24.05.2022. The 3rd respondent is directed to pass orders within a period of twelve (12) weeks from the date of receipt of copy of his order. Based upon the outcome of the final order to be passed by the 3rd respondent herein, the terminal benefits shall be released.



W.P(MD)No.22325 of 2023

WEB COPY

6. With the said observations, this Writ Petition stands disposed of.

No costs.

16.11.2023

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

gbg

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
Thanjavur District,
Thanjavur.
- 3.The Revenue Divisional Officer,
Thanjavur District,
Thanjavur.



WEB COPY



W.P(MD)No.22325 of 2023

R.VIJAYAKUMAR,J.

gbg

Order made in
W.P(MD)No.22325 of 2023

Dated:
16.11.2023