



W.A.No.1832 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2024

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.1832 of 2022

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.. Appellant

Vs

1.The Secretary to Government,
Highways & Minor Ports Department,
Fort St. George, Chennai-9.

2.The Chief Engineer (General),
Highways Department,
Chepauk, Chennai-5.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent to set aside the order dated 16.9.2021 passed by the learned Single Judge in W.P.No.8026 of 2015.

For the Appellant

: Mr.K.Venkataramani
Senior Counsel
for Mr.M.Muthappan



W.A.No.1832 of 2022

For the Respondent : Mr.P.Kumaresan
Addl. Advocate-General
assisted by
Mrs.S.Anitha
Special Government Pleader

JUDGMENT

(Delivered by *D.KRISHNAKUMAR,J.*)

Heard Mr.K.Venkataramani, learned Senior Counsel for Mr.M.Muthappan, learned counsel for the appellant; and, Mr.P.Kumaresan, learned Additional Advocate-General, assisted by Mrs.S.Anitha, learned Special Government Pleader for the respondents.

2. Challenging the order of the learned Single Judge dated 16.9.2021 passed in W.P.No.8026 of 2015, the appellant/writ petitioner has filed the present writ appeal.

3. The appellant has filed the writ petition for issuance of a writ of mandamus directing the respondents to settle the retirement



W.A.No.1832 of 2022

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benefits to the appellant within a reasonable time.

4. The learned Single Judge, vide the order impugned in this appeal, observed that the payment of the terminal benefits shall be subject to the decision taken in the criminal case and directed the learned Chief Judicial Magistrate, Salem, to dispose of S.C.No.57 of 2000 within a period of six months from the date of passing of the said order.

5. Learned Senior Counsel appearing on behalf of the appellant contended that similarly placed persons, who were also accused in the said criminal case, were allowed to retire from service and their retirement benefits have been settled in toto, however, the appellant has been denied such benefits, which amounts to arbitrariness and discrimination violating Articles 14 and 16 of the Constitution of India. The learned Single Judge failed to take into consideration the above aspect before issuing direction to the learned Chief Judicial Magistrate, Salem, to complete the criminal case within a period of six months.



W.A.No.1832 of 2022

WEB COPY

6. Today, when the writ appeal is taken up for hearing, learned Additional Advocate-General, on instructions, submitted that all eligible retirement benefits, namely, General Provident Fund, Special Provident Fund and encashment of Earned Leave, Unearned Leave have been paid to the appellant. He would submit that the criminal case is now under trial and the same is likely to be concluded at an early date.

7. In the light of the submission made by learned Additional Advocate-General, no further direction is required to be passed in the present writ appeal. Accordingly, the writ appeal is disposed of. There shall be no order as to costs.

8. Needless to mention that the learned Chief Judicial Magistrate, Salem, is directed to dispose of S.C.No.57 of 2000 pending on its file at an early date without any further delay. If necessary, the learned Chief Judicial Magistrate, Salem, is to



W.A.No.1832 of 2022

conduct day-to-day trial in the aforesaid Sessions Case and only under extraordinary circumstances and/or on a valid ground, adjournment may be granted. The parties to the aforesaid Sessions Case are directed to cooperate with the learned Chief Judicial Magistrate for speedy conclusion of the trial.

(D.K.K., J.) (K.B., J.)
19.06.2024

Index : Yes/No
NC : Yes/No
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To

- 1.The Secretary to Government,
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Fort St. George, Chennai-9.
- 2.The Chief Engineer (General),
Highways Department,
Chepauk, Chennai-5.



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W.A.No.1832 of 2022

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W.A.No.1832 of 2022

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