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W.P.No.6905 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6905 of 2024

R.Gopal

... Petitioner

-Vs-

1. The State of Tamil Nadu

Additional Chief Secretary to Government,
Labour Welfare and Skilled Development Department,
Formerly known as Labour and Employment Department,
Secretariat,
Chennai – 600 009.

2. The Accountant General (A & E),

Teynampet,
Chennai – 18.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to send pension proposal to the second respondent and direct the respondents to release the terminal benefits and also pension and pensionary benefits within the stipulated time by considering the petitioner's representation dated 13.12.2023 and 07.02.2024.

For Petitioner	: Mr.K.Arumugam
For R1	: Mr.V.Veluchamy
	Additional Government Pleader



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ORDER

This writ petition has been filed for direction directing the first respondent to send pension proposal to the second respondent and direct the respondents to release the terminal benefits and also pension and pensionary benefits within the stipulated time by considering the petitioner's representation dated 13.12.2023 and 07.02.2024.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had reached the age of superannuation on 30.06.2008. However, he was not allowed to retire and he was placed under suspension on 30.06.2008. The petitioner was served with a charge memo and enquiry was conducted. The Enquiry Officer found that the charge was not proved. However, the disciplinary authority disagreed with the enquiry report and issued notice to the petitioner to submit his explanation on the proved charges. However, no final order has been passed by the disciplinary authority. Therefore, the petitioner was



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constrained to file a writ petition before this Court in W.P.No.11900 of 2022 for direction directing the first respondent therein to conclude the disciplinary proceedings and pass final order. This Court directed the first respondent therein to conclude the disciplinary proceedings and pass final orders in accordance with law, within a period of twelve weeks. It was not complied with and as such, the petitioner also filed a contempt petition. Pending contempt petition, the petitioner was permitted to retire from service, pending disciplinary proceedings, on 30.06.2008.

4. Thereafter, the petitioner was called to express his willingness to provisional punishment of cut in pension of Rs.2,500/- per month for a period of five years in letter dated 16.05.2023. Thereafter, final order has been passed on 09.10.2023 in G.O.(D).No.164, Human Resources Management (Q2) Department and imposed a punishment of cut in pension at the rate of Rs.2,500/- per month for a period of five years. Though the petitioner was allowed to retire from service, he was not disbursed with his terminal benefits so far.



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To

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Chennai – 600 009.
2. The Accountant General (A & E),
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G.K.ILANTHIRAIYAN. J.

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