



W.P.No.12440 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.12440 of 2020

Poonguzhali (Deceased)

2. B.Isaiamuthu

3. B.Ezhilnilavan

4. B.Senthamizh

...

Petitioners

/vs/

1. The District Collector,
Cuddalore District.

2. The Block Development Officer,
Mangalore Panchayat Union,
Cuddalore District.

3. The Principal Accountant General (A & E),
Chennai – 600 018.

... Respondents

(P2 to P4 are substituted as legal representatives of the deceased sole petitioner vide order dated 04.01.2024 made in W.M.P.No.36507/2023 in W.P.No.12440/2020)

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to forthwith sanction and disburse the terminal benefits of deceased G.Bhoorasamy along with family pension and full salary for the suspension period etc., to the



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petitioner with effect from 18.11.2018 with interest at the rate of 24% per annum.

For Petitioners ... No appearance
For Respondents ... Mr. T.Rajendran
Additional Govt. Pleader

ORDER

This Writ Petition has been filed seeking writ of mandamus to direct the respondents to forthwith sanction and disburse the terminal benefits of deceased G.Bhoorasamy along with family pension and full salary for the suspension period etc., to the petitioner with effect from 18.11.2018 with interest at the rate of 24% per annum.

2. No representation for the petitioner.

3. The petitioner's husband by name Bhoorasamy was working as a Block Development Officer, (BP) Mangalore Panchayat Union, Cuddalore District and he was placed under suspension on 23.05.2018. The same was challenged by Bhoorasamy by way of filing a writ petition in W.P.No.13013 of 2018. During the pendency of the writ petition, the said Bhoorasamy died on 18.11.2018. In view of the same, the entire disciplinary proceedings initiated against him was abated and to that effect



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an order has been passed on 13.03.2019.

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4. The deceased first petitioner herein is the wife of the deceased Bhoorasamy. Subsequent to the death of Bhoorasamy, the petitioner had submitted a representation on 06.01.2020 to the respondents and requested them to sanction and disburse the terminal benefits of the deceased. The first respondent has directed the first petitioner to produce the legal heirship certificate and the same was also submitted to the first respondent. However, till date neither the terminal benefits nor the family pension for the petitioners has been paid. Hence, the present writ petition has been filed.

5. Mr.T.Rajendran, the learned Additional Government Pleader, submitted that the deceased Bhoorasamy was directed to remit a sum of Rs.26,00,000/- which has been misappropriated by him; on the said allegations, he was kept under suspension; though Bhoorasamy attained the age of superannuation on 30.06.2019, he was not permitted to retire and subsequently, he died due to illness; since Bhoorasamy died during the pendency of suspension, action is being taken to waive the charges against



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him as per G.O.Ms.No.151, Personnel and Administrative Reforms Department dated 31.10.2018; with regard to the misappropriated funds of Rs.26,00,000/- further action would be taken after getting appropriate direction from the Director of Rural Development, Chennai.

6. From the submission made by the first respondent, it is seen that the petitioner is entitled to the benefit of G.O.Ms.151 dated 31.10.2018. Even though the petitioner's husband Bhoorasamy was not allowed to retire, he died subsequently due to illness and hence the disciplinary proceedings initiated against him will get abated. Despite the petitioner had given representation as early as in the year 2020 along with the death certificate and the legal heirship of the deceased Bhoorasamy, till now no fruitful action has been taken.

7. As per FR 54-B- 1(2), if a Government Servant is kept under suspension dies before the disciplinary or the Court proceedings instituted against him are concluded, the period between the date of suspension and the date of death, shall be treated as duty for all purposes and his family shall be paid with full pay and allowances for that period he would have



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been otherwise entitled had he not suspended, subject to adjustment with regard to subsistence allowance already paid to him. The said fundamental Rule is squarely applicable to the present case because the said Bhoorasamy died before the conclusion of the disciplinary proceedings and during the suspension. Hence the petitioners are entitled to get the salary of the deceased for the period between the date of suspension and the date of death subject to the adjustment of the subsistence allowance so far paid to him.

8. Apart from the above arrears of salary, the petitioner is also entitled to get the terminal benefits and other benefits for which the Government servant is entitled to. In respect of the alleged amount of Rs.26,00,000/- which is said to be misappropriated by the deceased Bhoorasamy, no further direction has been obtained from the Director of Rural Development, Chennai. In fact this writ petition has been filed three years ago but so far the respondents did not try to get any instructions from the Directorate.

9. In view of the above stated reasons, this Writ Petition is allowed



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by directing the respondents to forthwith sanction and disburse the terminal benefits of deceased G.Bhoorasamy along with family pension and full salary for the suspension period, to the petitioners with effect from 18.11.2018, with interest at the rate of 6% per annum. No costs.

10.01.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation: Yes / No

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To:

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R.N.MANJULA ,J.

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