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W.P.No.12746 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

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THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.12746 of 2024

M.Ilahijan

... Petitioner

Vs.

1.The Tamil Nadu Wakf Board,
Rep by the Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

2.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to forthwith disburse all the monetary benefits of the petitioner's late husband Babu Nawaz Khan and also to grant family pension to the petitioner as sought vide representations dated 22.03.2023 and 07.03.2024.



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For Petitioner : Mr.N.A.Nassir Hussain

For Respondents : Mr.R.Sreedhar

ORDER

The petitioner's husband/Babu Nawas Khan who was working as Superintendent in the respondents/board. While so, he was arrested in a case of corruption on 27.01.2010 and he was placed under suspension. Even though, the criminal case ended in acquittal by Judgment dated 29.03.2019, the respondent/board had issued a Charge Memo dated 01.02.2003 and the same was pending. But, however before conclusion of the disciplinary enquiry, he died on 18.02.2023. Since the husband of the petitioner died while he was in suspension and the mis-conduct was not proved during his lifetime, the respondent/board has no other option than to permit him to retire as on date of superannuation. The petitioner shall deemed to have retired from service and all the terminal benefits be paid to him.

2. Mr.R.Sreedhar, learned counsel takes notice for the respondents.



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3. Since on a perusal of the papers annexed with the writ petition and upon hearing the learned counsel for the petitioner, it is very clear that before punishment order is passed, the petitioner's husband died, the petitioner will be entitled for the prayer made by the petitioner.

4. In view thereof, this Writ Petition is allowed on the following terms:-

(i)The respondents shall treat the petitioner's husband as having retired on attaining superannuation from service and grant all the retirement benefits and pension;

(ii)From the date of death of the petitioner's husband, family pension shall be sanctioned and paid to the petitioner;

(iii)All the arrears shall be paid to the petitioner within a period of 5 months from the date of receipt of a copy of this order; and

(iv)If the arrears amount is not paid within a period of 5 months, thereafter, the same shall carry the interest at the rate of 6% per annum from the dates on which the amounts became due, till the date of disbursement.



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WEB COPY (v) No costs.

03.06.2024

Neutral Citation : Yes/No
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To

1. The Tamil Nadu Wakf Board,
The Chief Executive Officer,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
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Chennai – 1.



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D.BHARATHA CHAKRAVARTHY, J.

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