



WEB COPY



W.P.No.13750 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM:

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

W.P.No.13750 of 2024

V.Anbazhagan

... Petitioner

Vs

1. State of Tamil Nadu
represented by its
Principal Secretary,
Rural Development and Panchayat Raj
(E-1) Department,
Fort St.George, Chennai 600 009.

2. The District Collector,
Cuddalore District,
Cuddalore 607 001. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to pass final order based on the recommendation of the second respondent the District Collector in Na.Ka.No.பஞ்1/8861/2018 dated 10.10.2022 and thereby sanction all the terminal benefits of the petitioner along with interest.

For Petitioner : Mr.A.R.Nixon
For Respondents : Mr.V.P.P.Elamparithi
Additional Government Pleader



W.P.No.13750 of 2024

ORDER

WEB COPY

This writ petition has been filed for direction directing the 1st respondent to pass final order based on the recommendation of the second respondent the District Collector in Na.Ka.No.பஞ்1/8861/2018 dated 10.10.2022 and thereby sanction all the terminal benefits of the petitioner along with interest.

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

3. The petitioner was appointed as Junior Assistant dated 16.12.1982. However, before his retirement, he was served with a charge memo dated 20.06.2019 and as such, he was placed under suspension by the proceedings dated 30.07.2019. He was not allowed to retire from service by the proceedings dated 31.07.2019. The charge memo is related to the incident took place in the year 2014-2015 with regard to excess drawal of money from the Village Panchayat fund by the former President of the Puliur Panchayat for the payment of bills to the beneficiaries for the housing scheme under “Thane”.



W.P.No.13750 of 2024

4. The petitioner challenged the suspension order in W.P.No.26334 of 2019 and this Court, by an order dated 06.09.2019 directed the disciplinary authority to complete the disciplinary proceedings within a period of six months. However, the said order was not complied with and as such, the petitioner was constrained to file a contempt petition in Cont.P.No.764 of 2021. Pending Contempt Petition, the second respondent informed that the petitioner was served with a show cause notice. Therefore, this Court directed the second respondent to complete the disciplinary proceedings, within a period of three weeks. However, the enquiry proceedings was not completed, within a period of three weeks and on 01.12.2021, the second respondent revoked the order of suspension and permitted the petitioner to retire from service without prejudice to the disciplinary proceedings.

5. After enquiry, the petitioner was served with a show cause notice and the petitioner submitted a detailed explanation on the enquiry report. Even then, no final order has been passed so far. Therefore, the petitioner submitted a representation to pass final orders in order to receive pension and other terminal benefits. Though the petitioner was permitted to retire from service, he was not sanctioned any terminal benefits so far, since the disciplinary proceedings is pending against the petitioner.



W.P.No.13750 of 2024

WEB COPY

6. In view of the above facts and circumstances of the case, the first respondent is directed to pass final orders in the charge memo dated 20.06.2019, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

03.07.2024

Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order

mn



WEB COPY



W.P.No.13750 of 2024

To

1. The Principal Secretary,
Rural Development and Panchayat Raj
(E-1) Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Cuddalore District,
Cuddalore 607 001.



WEB COPY



W.P.No.13750 of 2024

G.K.ILANTHIRAIYAN. J.

mn

W.P.No.13750 of 2024

03.07.2024