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W.P.No.16975 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM:

THE HONOURABLE MR JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16975 of 2022

R.Radha

..Petitioner

Vs.

1.The Inspector General of
Registration
No.100, Santhome High Road,
Raja Annamalai Puram,
Chennai – 600 028.

2. The Chief Judicial Magistrate,
Namakkal District Combined Court Campus,
Near District Collectorate,
Tiruchengode Road,
Namakkal District – 637 003.

3.The District Registrar – Administration,
District Registrar Office – East,
Combined Registration Office Building Campus,
Kumaragiri Bye Pass Road,
Near Manasarovar School,
Udayapatti Power House,
Kamaraj Nagar Colony Post,
Ammamet, Salem – 636 015.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents No.1 to 3 herein to grant or

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disburse the death cum retirement gratuity benefits along with other monetary and pensionary benefits to be disbursed to the petitioner husband Late. Muniraj, within the stipulated time.

For Petitioner : Mr.A.M.Kamalanath

For Respondents : Mr.M.Shajahan for R1 and R3
Special Government Pleader
R2-Court

ORDER

This writ petition has been filed to direct the respondents No.1 to 3 herein to grant or disburse the death cum retirement gratuity benefits of the petitioner's husband Late. Muniraj along with other monetary and pensionary benefits.

2. The case of the petitioner is that the petitioner's husband had joined the 1st respondent Department on 03.09.1973 and posted as Sub-Registrar of the Paramathi Velur area in Namakkal District. In the year 2000, he was transferred and posted as Sub-Registrar of the Kadathur in the Dharmapuri District. While being so, he was placed under suspension pursuant to the registration of the criminal case in Crime No.1 of 2002. Subsequently, the said suspension order was revoked and he was reinstated into service and in the year 2009, he was once again suspended from his office, prior to 5 days of his retirement citing the reason of pending criminal



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proceedings in C.C.No.104 of 2003 on the file of the learned Chief Judicial Magistrate, Paramathi Velur. Thereafter, the case was transferred to learned Chief Judicial Magistrate, Namakkal and was numbered as C.C.No.66 of 2010. While pending trial, the said Muniraj died on 24.02.2021 and the charges against the said Muniraj was abated on 09.07.2021.

(ii). After the receipt of the death certificate, the 1st respondent had instructed the 3rd respondent to obtain the “Slip Proceedings” from the 2nd respondent/Chief Judicial Magistrate with a view to release the said Muniraj from the pending criminal proceedings. Subsequently, the 1st respondent abated all the departmental disciplinary proceedings vide proceedings No.58954/V2/2001 dated 12.04.2021. Thereafter, the petitioner made several visit to the office of the 3rd respondent to release the retirement benefits of her husband and made a representation dated 01.03.2022. However, no action has been taken by the 3rd respondent to obtain the Slip Proceedings from the Court. Hence, the present writ petition.

3. Learned Special Government Pleader appearing for the respondents would submit that while pending case, the said Muniraj was passed away. Thereafter, the 1st respondent had instructed the 3rd respondent to obtain the



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“Slip Proceedings” from the 2nd respondent/Chief Judicial Magistrate with a view to release the said Muniraj from the pending criminal proceedings.

He further submitted that the disciplinary proceedings against the petitioner's husband/Late Muniraj was abated in accordance with G.O.Ms.No.151 Personnel and Administrative Reforms (N) Department dated 31.10.2018.

4. This Court gave its anxious consideration to the learned counsel for the petitioner and the learned Special Government Pleader appearing for the 1st and 3rd respondents and perused the materials available on record.

5. Taking into consideration the fact that the disciplinary proceedings against the petitioner's husband was abated as per G.O.Ms.No.151 Personnel and Administrative Reforms (N) Department dated 31.10.2018, the petitioner is entitled to get all the death cum retirement gratuity benefits along with other monetary and pensionary benefits.

6. In view of the above, the respondents 1 and 3 are directed to disburse the death cum retirement gratuity benefits along with other monetary and pensionary benefits of the said Late Muniraj to the petitioner within a period of six(6) weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition is allowed. No costs.



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Index : Yes / No
Speaking Order : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
msv

To

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G.K.ILANTHIRAIYAN,J.

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