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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.23428 of 2024

P.Natarajan

... Petitioner

Vs.

The Additional Chief Secretary to Government
Home (Transport-II) Department,
Secretariat, St. George Fort,
Chennai-600 009.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to pass orders regarding the grant of compulsory retirement pension and Death-cum-Retirement Gratuity insurance of the order made in G.O.(2D) No.420 Home (Transport II) Department dated 10.10.2022.

For Petitioner : Mr.R.Thirugnanam

For Respondent : Mr.M.Bindran
Additional Government Pleader



ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondent to grant compulsory retirement pension and Death-cum-Retirement Gratuity to the petitioner in line with G.O.(2D)No.420, Home (Transport II) Department, dated 10.10.2022.

2.Heard Mr.R.Thirugnanam, learned counsel appearing on behalf of the petitioner and Mr.M.Bindran, learned Additional Government Pleader appearing on behalf of the respondent.

3.The case of the petitioner is that he was working as a Regional Transport Officer at Thiruvannamalai. Pursuant to an FIR registered in Crime No.13 of 2002 in which the petitioner was also made as an accused, the petitioner was placed under suspension on contemplation of enquiry into certain grave charges.

4.The further case of the petitioner is that the petitioner was not permitted to retire from service on attaining the age of superannuation on 30.11.2003. Ultimately, the FIR itself came to be quashed by the Madurai Bench of this Court in Crl.O.P.(MD)No.857 of 2008 by an order dated 20.02.2008.



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5.The Commissioner for Disciplinary Proceedings, Chennai through proceedings dated 02.02.2009 proceeded to frame the charges against the petitioner under the Tamil Nadu Civil Services (Discipline Proceedings Tribunal) Rules, 1955. Ultimately, the Commissioner through proceedings dated 06.09.2013, came to a conclusion that the charges have not been proved.

6.In spite of the above finding, the Government of Tamil Nadu decided to proceed further against the petitioner and ultimately, an order was passed in G.O.(2D)No.420, dated 10.10.2022, imposing a punishment of compulsory retirement to the petitioner.

7.The grievance of the petitioner is that the petitioner is entitled for compulsory retirement pension and Death-cum-Retirement Gratuity. However, these payments were not made and therefore, the petitioner sent a couple of representations to the respondent. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.



8. Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the respondent to consider the representation made by the petitioner on 03.07.2024 and deal with the same on its own merits and in accordance with law and take a decision regarding the payment of compulsory retirement pension and Death-cum-Retirement Gratuity, within a period of six weeks from the date of receipt of copy of this order.

9. The petitioner is directed to make a fresh representation to the respondent along with all the relevant documents and also a copy of this order.

10. This writ petition is disposed of with the above directions. No Costs.

19.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



To

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The Additional Chief Secretary to Government
Home (Transport-II) Department,
Secretariat, St.George Fort,
Chennai-600 009.



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N. ANAND VENKATESH, J.

SSR

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