



W.P.No.31295 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.31295 of 2024

1.P.Neelaveni

2.Peruma

3.Thirumal

4.Saraswathi

.. Petitioners

Vs.

1.The District Collector,
Dharmapuri District,
Dharmapuri District – 636 705.

2.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District – 636 701.

3.Principal Accountant-General (A&E),
Tamil Nadu,
No.364, Anna Salai,
Chennai – 600 018.

4.The Tahsildar,
Palacode Taluk,
Dharmapuri District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



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praying to issue a Writ of Mandamus directing the respondents to consider the representation dated 18.01.2024 which was forwarded again by the 3rd respondent on 26.03.2024 to the 2nd respondent to take action and to pass suitable orders within a stipulated time.

For Petitioners : Mr.C.Umashankar

For Respondents : Mr.S.Balamurugan
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioners on 18.01.2024, wherein the 1st petitioner has sought for settlement of the terminal benefits of her husband within a time frame fixed by this Court.

2.Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents.

3.The case of the petitioners is that the 1st petitioner's husband was working as a Village Munsif in Palakode Taluk from 1974 till the year 1975. Thereafter, through proceedings dated 11.10.1977, he was



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working as Village Munsif at a different village till 1980. Thereafter, he was appointed as Village Assistant in the year 1991 through the proceedings of the 1st respondent dated 17.01.1991.

4.Disciplinary proceedings were initiated against the 1st petitioner's husband and the 1st respondent imposed punishment of dismissal from service. The same became a subject matter of challenge before this Court in W.P.No.12323 of 2009. The said writ petition was dismissed by order dated 25.06.2013. Aggrieved by the same, the 1st petitioner's husband filed appeal in W.A.No.1492 of 2019. The Division Bench of this Court allowed the writ appeal by an order dated 15.02.2023 in the following terms:

“10.We are therefore constrained to interfere with the order of the writ Court. The writ appeal will stand allowed. The order of the writ Court will stand set aside. The writ petition will stand allowed. The order imposing punishment is set aside. The matter is remitted to the Disciplinary Authority viz., the Revenue Divisional Officer to pass appropriate orders on the basis of the enquiry already conducted.

11.The appellant is now 72 years old. The Revenue Divisional Officer will consider



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the said factor as well as the fact that the higher Authorities viz., the Revenue Inspector and Tahsildar were imposed lesser punishment while deciding on the quantum of punishment. The Revenue Divisional Officer shall give an opportunity of being heard to the appellant before passing the final orders. He shall pass final orders within a period of six (6) months from the date of receipt of a copy of the order. No costs.”

5.Pursuant to the above order, the 2nd respondent issued a notice to the 1st petitioner's husband for fresh enquiry. In the mean time, the 1st petitioner's husband died on 15.06.2023. In view of the same, the 2nd respondent through proceedings dated 28.07.2023, declared that the entire proceedings has abated.

6.The grievance of the petitioners is that they were making repeated representations for the settlement of the terminal benefits. The petitioners were informed by the 3rd respondent that the 2nd respondent has to transmit the official documents and only thereafter, the same can be settled. There was inaction on the part of the 2nd respondent. It is under these circumstances, the present writ petition came to be filed before this Court seeking for appropriate directions.



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7.Taking into consideration the facts and circumstances of the case and the fact that the disciplinary proceedings itself has now abated in view of the demise of the 1st petitioner's husband on 15.06.2023, the claim made by the petitioner for terminal benefits has to be necessarily considered and it has to be settled in favour of the petitioners.

8.In view of the same, there shall be a direction to the respondents 2 & 3 to deal with the representation made by the 1st petitioner on 18.01.2024 and appropriate orders shall be passed within a period of eight (8) weeks from the date of receipt of a copy of this order and the terminal benefits to which the petitioners are entitled shall also be settled.

9.The petitioners are directed to make a fresh representation to the respondents 2 & 3 along with all the relevant documents and a copy of this order.

10.In the result, this Writ Petition is disposed of with the above directions. No costs.



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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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N.ANAND VENKATESH, J.

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