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W.P.No.32621 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.32621 of 2024

and

W.M.P.No.35465 of 2024

D.Sukumar

.. Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by the Principal Secretary Government,
Municipal Administration and Water Supply Department,
Fort St George, Chennai – 600 009.

2.Additional Chief Secretary / The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the concerned records from the 1st respondent, quash G.O.(2D).No.62, Municipal Administration and Water Supply (MC3) Department, dated 30.07.2024, issued by the 1st respondent and G.O.(2D).No.64, Municipal Administration and Water Supply (MC3) Department dated 31.07.2024



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issued by the 1st respondent as illegal, arbitrary and contrary to law and consequently direct the respondents to revoke the order of suspension, permit the petitioner to retire and further direct the respondents to settle all the terminal benefits including pension, arrears of pension, commuted value of pension, gratuity, encashment of earned leave, balance of general provident fund, etc., within the time frame stipulated by this Court.

For Petitioner : M/s.Balan Haridas

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent dated 30.07.2024 and G.O.(2D).No.64 dated 31.07.2024 issued by the 1st respondent and for a consequential direction to the respondents to permit the petitioner to retire from service and to settle all his terminal benefits within a time frame fixed by this Court.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.



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3.This Court had an occasion to deal with a similar writ petition filed in W.P.No.25029 of 2024. In that writ petition after instructions, it was submitted on the side of the respondents that the petitioner therein has also been arrayed as an accused (A7) in the FIR. Considering the same, final orders were passed on 01.10.2024 by issuing certain directions.

4.In the instant case, it is brought to the notice of this Court that this petitioner has been arrayed as an accused (A8) in the FIR which is pending investigation in Crime No.3 of 2024.

5.In view of the above, it will suffice if a direction is issued to the 2nd respondent to entertain the claim made by the petitioner for the payment of General Provident Fund, Special Provident Fund, Earned Leave, etc., as per the judgment of the Division Bench of this Court in the case of ***Secretary to Government, Revenue Departmental, Secretariat, Chennai – 600 009 Vs. K.Palaniyandi*** reported in ***2019 (5) CTC 19*** and these amounts shall be settled to the petitioner within a period of six (6) weeks from the date of receipt of a copy of this order.



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WEB COPY 6. Accordingly, this Writ Petition is disposed of with the above directions. Consequently, the connected Miscellaneous Petition is closed.

No costs.

30.10.2024

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

To

1. Government of Tamil Nadu,
Rep. by the Principal Secretary Government,
Municipal Administration and Water Supply Department,
Fort St George, Chennai – 600 009.
2. Additional Chief Secretary / The Commissioner,
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N.ANAND VENKATESH, J.

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