



WEB COPY



W.P.No.35398 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM:

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

W.P.No.35398 of 2023

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... Petitioner

Vs.

- 1.The Managing Director,
Tamilnadu Adi dravidar Housing and Development Corporation,
No.31, Cenoteph Road, 2nd Lane,
Teynempet, Chennai
- 2.Director of Vigilance and Anti-Corruption,
No.293, M.K.N.Road,
Alanthur, Chennai-16

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the first respondent herein to extend all service benefits as requested in the petitioner's representation dated 08.02.2023.

For Petitioner : Mr.A.Mothiyalagan
for Dr.R.Sampath Kumar

For Respondents
For R2 : Mr.S.Rajesh,
Government Advocate



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ORDER

This writ petition has been filed for direction to the first respondent to extend all service benefits to the petitioner.

2. The petitioner had joined in the Department of Tamilnadu Adidravidar Housing and Development Corporation during the year 1975. Thereafter, he was promoted to the post of District Manager in Chennai District. While being so, he was arrested and remanded to judicial custody by the Vigilance and Anti Corruption in pursuant to the registration of FIR in crime No.4 of 2013. In pursuant to the arrest, he was suspended from service on 23.03.2013. He attained his age of superannuation on 31.03.2014. Therefore, his suspension period was extended and he was not allowed to retire. After completion of investigation, final report was filed and the same has been taken cognizance in CC.No.13 of 2015 for charges under Sections 7 and 13(2) r/w 13(1)(D) of Prevention of Corruption Act. However, it ended in acquittal by the judgment dated 03.01.2023. Based on the judgment passed by the criminal court, departmental enquiry also ended as all the



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charges are not proved by enquiry report dated 21.02.2023. Thereafter, final order was also passed by dropping all the charges against the petitioner. Therefore, he submitted representation on 08.02.2023 requesting the first respondent to permit him to retire from service and sought for payment of DCRG, leave salary and leave encashment, etc and other service benefits.

3. The learned counsel for the second respondent would submit that as against the order of acquittal passed in CC.No.13 of 2015, the second respondent filed appeal.

4. Heard, the learned counsel appearing on either side.

5. On perusal of records, the second respondent failed to produce any document to show that the second respondent filed appeal as against the order of acquittal. It is also seen that the criminal court acquitted the petitioner by the judgment dated 03.01.2023, Now, one year has lapsed and even then, no appeal has been filed. That apart, based on



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the enquiry report, the first respondent by its proceedings dated 21.02.2023, exonerated the petitioner from all the charges. Therefore, the petitioner is entitled to retire from service with all service benefits.

6. In view of the above, the first respondent is directed to permit the petitioner to retire from service with all attendant benefits which is applicable to the petitioner within a period of four weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

02.01.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok



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To

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Tamilnadu Adi dravidar Housing and Development Corporation,
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Teynempet, Chennai
- 2.Directorate of Vigilance and Anti-Corruption,
No.293, M.K.N.Road,
Alanthur, Chennai-16
3. The Government Advocate,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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