



W.P.(MD).No.7073 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7073 of 2024

N.Jeyabalan

...Petitioner

Vs.

The Sub Collector,
Cherenmadevi Division,
Cherenmadevi,
Tirunelveli District-627 414.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to grant all monitory and service benefits by considering the petitioner's representations dated 08.12.2023 and 09.02.2024 within a time frame that may be fixed by this Court.

For Petitioner : Mr.Aayiram K. Selvakumar

For Respondent : Mr.J.K.Jeya Seelan,
Government Advocate



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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The present writ petition has been filed seeking direction to the respondent to grant all monitory and service benefits by considering the petitioner's representations dated 08.12.2023 and 09.02.2024.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i) The petitioner was appointed as Village Administrative Officer, in Muthumuthan Mozhi Village in Thisayanvilai Town, Cherenmadevi Division, Tirunelveli District on 09.08.2007. He also held the additional charge of Karaichuthuputhur Village from 27.07.2009. While so, a criminal case was registered against the petitioner in Cr.No.1 of 2010 by the Vigilance and Anticorruption Department, Tirunelveli on 13.01.2010, for which he was arrested and retained to judicial custody. Subsequently, he was placed under



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suspension by the proceedings dated 14.01.2010. The case was charge sheeted in Spl.Case No.54 of 2014 on the file of Special Judge for Trial of Cases under the Prevention of Corruption Act, Tirunelveli. After an elaborate trial, the learned Trial Court acquitted the petitioner from all the charges on 07.12.2022.

(ii) In the meanwhile, the petitioner attained the age of superannuation even during the period of suspension on 31.05.2014 and the disciplinary proceedings was pending against him. As a result of which, he was not permitted to retire from service and he was deemed to be extended in service for the period beyond 31.05.2014, that is, date of his retirement. After acquitted from the criminal case on 07.12.2022, the petitioner had sent several representations to the respondent dated 08.12.2023 and 09.02.2024 requesting the respondent to permit him to retire and grant all monitory and service benefits. Since the same was not considered by the respondent, this writ petition came to be filed.

4. Heard, the learned Counsels on either side. Carefully perused the materials available on record.



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5. Considering the age of the petitioner, this Court hereby direct the respondent to consider the petitioner's representation dated 08.12.2023 and 09.02.2024 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs.

21.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

The Sub Collector,
Cherenmadevi Division,
Cherenmadevi,
Tirunelveli District-627 414.



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L.VICTORIA GOWRI, J.

Sml

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