



WP(MD) No.6844 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.6844 of 2023

and

W.M.P.(MD).Nos.6400 and 6401 of 2023

S.Marudhu

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai-600 009.
- 2.The State of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-600 009.
- 3.The Director of Municipal Administration,
Urban Administrative Office Campus,
75, Santhome High Road,
Raja Annamalaipuram, Chennai-28,
- 4.The Municipal Commissioner,
Keelakarai Municipality,
Keelakarai,
Ramanathapuram.



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5.The Sub Office Treasury Officer,
O/o. The Sub Treasury Office,
Ramanathapuram.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relation to the impugned order passed by the third respondent in his proceedings D.Dis.No.8041/2022/B1, dated 09.11.2022 and quash the same as illegal and consequently direct the respondents to disburse with all retirement benefits along with accrued interest thereon in pursuant to the order passed by the second respondent vide his proceedings in G.O.(D).No.363, Municipal Administration and Water Supply (ME2) Department, dated 25.10.2021 allowing the petitioner to retire from service within the period that may be stipulated by this Court.

For Petitioner	: Mr.S.Mohamed Suhail, for M/s.Ajmal Associates
For R-1 to R-3 & R-5	: Mr.S.Shanmugavel, Additional Government Pleader
For R-4	: Mr.A.Kannan, Standing Counsel

ORDER

Heard Mr.S.Mohamed Suhail, learned counsel for the petitioner and Mr.M.Shanmugavel, learned Additional Government Pleader appearing for the respondent Nos.1 to 3, 5 and Mr.A.Kannan, learned Standing Counsel for the fourth respondent.



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2. The petitioner has filed this Writ Petition challenging the impugned order of the second respondent in his proceedings in D.Dis.No.8041/2022/B1, dated 09.11.2022 and consequently to direct the respondents to disburse the retirement benefits in pursuant to the order passed by the second respondent vide his proceedings in G.O. (D).No.363, Municipal Administration and Water Supply (ME2) Department, dated 25.10.2021 by allowing the petitioner to retire from service.

3. Infact, the petitioner has been allowed to retire and hence, the petitioner's prayer to permit him to retire from service will not arise. So far as the impugned order dated 09.11.2022 is concerned, it is about fixing of the provisional pension for the petitioner at Rs.29,800/- (Rupees Twenty Nine Thousand and Eight Hundred only).

4. Mr.Mohamed Suhail, learned counsel appearing for the petitioner submitted that the petitioner is entitled to full pension, because, he has already been allowed to retire and neither disciplinary proceedings nor any criminal case is pending against him.



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5. Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents 1 to 3 & 5 submitted that since some DVAC enquiry is pending, the petitioner has been given with only provisional pension. The petitioner retired from service on 31.03.2016 and after the charges framed against him, he was even relieved officially on 25.10.2021. In such case, it is obligatory on the part of the respondents to release the entire pension irrespective of the pending DVAC enquiry, if any.

6. In view of the above, the Writ Petition is **allowed** and the impugned order passed by the third respondent in his proceedings in D.Dis.No.8041/2022/B1, dated 09.11.2022, is set aside and the respondents are directed to grant eligible retirement benefits to the petitioner, for which, he is entitled, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

02.07.2024

Index : Yes / No

Internet : Yes / No



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NCC : Yes / No

TSG

To

1.The Principal Secretary to Government,
the State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai-600 009.

2.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-600 009.

3.The Director of Municipal Administration,
Urban Administrative Office Campus,
75, Santhome High Road,
Raja Annamalaipuram, Chennai-28,

4.The Municipal Commissioner,
Keelakarai Municipality,
Keelakarai,
Ramanathapuram.

5.The Sub Office Treasury Officer,
O/o. The Sub Treasury Office,



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Ramanathapuram.

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R.N.MANJULA, J.

TSG

Order made in
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