



W.P.(MD)No.8278 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8278 of 2024

P.Murugesan

... Petitioner

Vs.

- 1.The Secretary to Government,
Revenue and Disaster Management Department (Service Wing),
Secretariat, Fort St.George,
Chennai.
- 2.The Additional Chief Secretary
Cum Commissioner of Revenue Administration,
Chepauk,
Chennai.
- 3.The Managing Director,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
CMDA Towers-II, 4th Floor,
Egmore,
Chennai – 600 018.
- 4.The District Collector,
Theni District,
Theni.
- 5.The Tahsildar,
Theni Taluk,
Theni District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to permit the petitioner to retire from service without prejudice to the outcome of the charges contemplated against the petitioner and consequently direct the respondents to disburse the encashment of Leave Salary and Death-cum-Retirement Gratuity (DCRG) of the petitioner in terms of the order made in W.A.No.105 of 2019 dated 31.07.2019.

For Petitioner : Mr.A.Srinivasan

For R-1, R-2 : Mr.J.Ashok
R-4 and R-5 Additional Government Pleader

For R-3 : Mr.S.Sivanesan
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Heard Mr.A.Srinivasan, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the Respondents 1, 2, 4 and 5 and Mr.S.Sivanesan, learned Standing Counsel for the Respondent No.3.



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3. This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the respondents to permit the petitioner to retire from service without prejudice to the outcome of the charges contemplated against the petitioner and consequently direct the respondents to disburse the encashment of Leave Salary and Death-cum-Retirement Gratuity (DCRG) of the petitioner in terms of the order made in W.A.No.105 of 2019 dated 31.07.2019.

4. However, during the pendency of the Writ Petition, it is learnt that the petitioner was kept under the suspension on 29.03.2024 and the disciplinary action has been initiated on certain charges. Even though the petitioner had attained the age of superannuation on 31.03.2024, he was not allowed to retire and two days prior to his retirement, he was kept under suspension on certain allegations.

5. Mr.J.Ashok, learned Additional Government Pleader submitted that the death cum retirement gratuity cannot be paid before the completion of the disciplinary proceedings. As per G.O.Ms.No.100 dated 07.09.2022 issued in pursuant to the amendment to Service Rule 56(1)(c) and 7(1) of the Tamil Nadu Leave Rules, the encashment of earned leave and leave on private affairs shall



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be deferred to the Government servants who are not permitted to retire on attaining the age of superannuation, but retained in service in view of the pending enquiry for the charge of misconduct or criminal misconduct. Since the proceedings initiated against the petitioner are still pending, the petitioner may not get other benefits except GPF.

6. Therefore, the respondents are directed to disburse the GPF amount in the credit of the petitioner and pass orders to that effect within a period of four weeks from the date of receipt of a copy of this order. Insofar as the disciplinary proceedings are concerned, the respondents shall take every endeavour to conclude the same within a period of six months thereafter.

7. With the above direction, this Writ Petition is **disposed of**. No costs.

03.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To

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R.N.MANJULA, J.

Nsr

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