



W.P.(MD).No.14795 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.14795 of 2024

M.Marimuthu

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai – 600 035.

2.The Executive Engineer and
Administrative Officer,
Trichy Housing Unit,
Tamil Nadu Housing Board,
Trichy – 20.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the first respondent (i.e) The Managing Director, Tamil Nadu Housing Board, Chennai to take immediate action to disburse the Death cum Retirement Gratuity benefit of the petitioner within a specified time frame that may be fixed by this Court.



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For Petitioner : Mr.A.L.Vijeydevraj

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the first respondent to take appropriate action to disburse the death cum retirement gratuity benefits to the petitioner.

2. Mr.A.L.Vijeydevraj, learned counsel for the petitioner submitted that the petitioner has been attained the age of superannuation on 31.08.2006. However, the order permitting the petitioner to retire has not been filed. It appears that the criminal case has been registered against the petitioner in Crime No.10 of 2004 and it has culminated into Special Case in S.C.No.89 of 2011 on the file of the Special Court, (Prevention of Corruption Act), Trichirappalli. In the conclusion of the trial, the petitioner was convicted for offence and sentenced to undergo rigorous imprisonment of two years along with fine. The petitioner has preferred an appeal in CrI.A.(MD)No.264 of 2015 and the same was also



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dismissed. The petitioner had preferred SLP and the SLP was also dismissed by confirming the order of conviction and the sentence. The petitioner surrendered before the Trial Court and he was sent to prison to undergo the punishment of imprisonment. After undergoing the punishment, the petitioner was released and thereafter, he has filed this Writ Petition seeking direction against the respondents to disburse his GPF and Special Leave Provident Fund and that was also granted pursuant to the direction given by this Court.

3. Now, the petitioner claims that death cum retirement gratuity and had given a representation. Unless, the petitioner is allowed to retire, the petitioner cannot expect the gratuity to be settled to him. However, it is for the respondents to pass an order as to the entitlement of the petitioner. Since the representation has not been culminated into any order passed by the respondents, it is for the first respondent to consider the petitioner's claim and pass order.

4. In view of the above stated reasons, this Writ Petition is **disposed of** with a direction to the first respondent to consider the



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petitioner's claim with regard to disbursement of death cum retirement gratuity benefits and then pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

04.07.2024

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

To:

- 1.The Managing Director,
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No.493, Anna Salai,
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Chennai – 600 035.
- 2.The Executive Engineer and
Administrative Officer,
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R.N.MANJULA, J.

Nsr

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