



W.P.(MD)No.13266 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.13266 of 2024

R.Kandeeban

... Petitioner

vs.

1.The District Collector,
Thanjavur, Thanjavur District.

2.The Revenue Divisional Officer,
N.S.C. Bose Nagar,
Arunanandha Nagar West Extention,
Thanjavur, Thanjavur District.

3.The Tahsildar,
Orthanadu Taluk,
Thanjavur, Thanjavur District.

4.The Inspector of Police,
District Crime Branch,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 herein to release the petitioner's retirement benefits along with pension and other benefits payable to the petitioner within a specific time lime as specified by this Court.



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For Petitioner : Mr.B.Sargunam
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

Heard Mr.B.Sargunam, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.

2. The petitioner has filed this petition seeking to issue a Writ of Mandamus directing the respondents 1 to 3 to release his retirement benefits along with pension and other benefits payable to him within a stipulated time.

3. The petitioner who worked as a Village Assistant in the office of the third respondent was allowed to retire on 31.03.2020 due to superannuation subject to the outcome of the criminal case pending in Crime No.19 of 2006 under Sections 465, 467, 468, 471, 477(A), 406, 407, 409, 419, 420 and 120(B) of the Indian Penal Code. The allegation on which the case was registered is that the revenue authorities had given



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false pattas to several individuals in order to enable them to get agricultural loans from the banks. Since the petitioner's handwriting is also found in some of the documents relating to the above allegation, the petitioner is added as one of the accused in the aforesaid criminal case.

4. Though the criminal case has been registered in the year 2006 itself, so far it has not been concluded and it is learnt that only recently, Charge Sheet has been filed before the concerned Court after completion of investigation.

5. Mr.B.Sargunam, learned counsel appearing for the petitioner submitted that the other accused had been placed under suspension, but the petitioner has not been placed under suspension.

6. Despite the case has been registered in the year 2006 itself, by considering the petitioner's acceptable explanation, neither he was placed under suspension nor he was subjected to any disciplinary proceedings by giving him a Charge Memo. In such case, the petitioner's



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terminal benefits could have been released irrespective of the pending criminal case and it is for the petitioner to face the criminal case and contest the same, if at all, he is not involved in any criminal activities. Since the authorities concerned have not initiated any action till the retirement of the petitioner, despite it was within their knowledge that a criminal case has been filed in the year 2006 and the petitioner is also one of the accused therein, now, there is no point in withholding the retiral benefits of the petitioner including pension.

7. In view of the above observations, the writ petition is **allowed** and the respondents 1 to 3 are directed to consider the representation of the petitioner dated 09.10.2023 positively and pass orders to release the petitioner's retiral benefits including pension within a period of six weeks from the date of receipt of a copy of this order. No costs.

21.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
mbi



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R.N.MANJULA, J.

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