



WP(MD) No.15772 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15772 of 2024

D.Jothi Bas

... Petitioner

Vs.

1. The Director of Town Panchayat,
7th and 8th Floor,
Urban Administrative Office Campus,
Chennai – 600 028.

2. The District Collector,
Tirunelveli District,
Tirunelveli.

3. The Assistant Director of Town Panchayat,
NGO 'B' Colony,
Jawahar Nagar,
Perumalpuram,
Tirunelveli.

....Respondents



WP(MD) No.15772 of 2024

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent i.e., the District Collector, Tirunelveli in his impugned Letter in Na.Ka.No. 4570/2022/P2 dated 14.05.2024 and quash the same and consequently direct the 2nd and 3rd respondents i.e., the District collector, Tirunelveli and the Assistant Director of Town Panchayat, Tirunelveli to arrange to disburse the DCRG due to the petitioner after deducting the monetary loss to Government to the tune of Rs.34,491/- with interest.

For Petitioner : Mr.S Visvalingam

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus, to quash the impugned Letter in Na.Ka.No. 4570/2022/P2 dated 14.05.2024 of the second respondent and consequently direct the 2nd and 3rd respondents i.e., the District collector, Tirunelveli and the Assistant Director of Town Panchayat, Tirunelveli to



WP(MD) No.15772 of 2024

arrange to disburse the DCRG due to the petitioner after deducting the monetary loss to Government to the tune of Rs.34,491/- with interest.

2. Heard S Visvalingam, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner has filed this writ petition challenging the order, dated 14.05.202, through which, the petitioner's request for granting gratuity was rejected.

5. The petitioner retired from service on 31.03.2023 on condition that without prejudice to the disciplinary proceedings. The petitioner was facing 17(b) charges on the allegation of receiving bribery and for the same reason, a criminal case is also pending in Crime No.98 of 2022 registered by Vigilance and Anti Corruption,



WP(MD) No.15772 of 2024

WEB COPY

Thoothukudi. In the rejection order, it is stated that the death cum retirement gratuity cannot be released to the petitioner without completion of the disciplinary proceedings. Since the disciplinary proceeding has not yet been completed, no gratuity has been allowed.

6. The learned counsel for the petitioner submitted that as per second proviso to Section 69(b) of Tamil Nadu Pension Rules, 1978, if an employee is facing departmental proceedings or judicial proceedings involving pecuniary loss and he is permitted to retire without prejudice to such departmental proceedings and the payment of the gratuity shall be computed and deducted and the employee will be given with the remaining DCRG payable to him.

7. But this is not a case which would state that the petitioner has caused loss to the Government. The petitioner is facing criminal proceedings under Vigilance and Anti Corruption for receiving bribery.

8. Even the charge against the petitioner would also state that the petitioner has created false vouchers to make a claim of



WP(MD) No.15772 of 2024

WEB COPY

Rs.34,931/-, since the criminal case has not yet been completed and the criminal proceedings is also said to be pending, the petitioner's request for payment of gratuity cannot be considered by taking the impugned amount as a mere loss to the Government.

9. In view of the above stated reasons, the respondent is directed to complete the enquiry proceedings and reconsider the petitioner's representation for DCRG in the light of the order that might be passed at the conclusion of the disciplinary proceedings.

10. In the result, the writ petition is disposed of with a direction to the first respondent to conclude the disciplinary proceedings within a period of three months and disburse/sanction the DCRG in accordance with the result of the disciplinary proceedings. No costs.

15.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



WP(MD) No.15772 of 2024

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WP(MD) No.15772 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.15772 of 2024

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