



W.A.(MD) No.270 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A.(MD) No.270 of 2020

and

C.M.P.(MD) No.1937 of 2020

K.Subban

... Appellant/Petitioner

Vs.

- 1.The Secretary to Government,
Rule Development (E4) Department,
Secretariat, Chennai-9.
- 2.The Commissioner,
Rural Development and Directorate of Panchayat,
Panagal Building, Saidapettai, Chennai-600 015.
- 3.The Accountant General,
Office of the Accountant General, Chennai-18.
- 4.The District Collector,
Tiruchirappalli District, Tiruchirappalli.



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5. The Assistant Director,
Rural Development and
Directorate of Panchayat,
Tiruchirappalli District.

6. The Commissioner,
Vaiyampatti Panchayat Union,
Manapparai Taluk,
Tiruchirappalli District.

... Respondents/
Respondents

Prayer: Appeal filed under Clause 15 of Letters Patent against the order dated 07.06.2019 passed in W.P.(MD) No.4685 of 2011 on the file of this Court.

For Appellant	:	Mr.D.Saravanan
For RR1, 2, 4 & 5	:	Mr.A.Baskaran Additional Government Pleader
For R3	:	Mr.P.Gunasekaran
For R6	:	No appearance

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This appeal is preferred challenging an order of a learned Single Judge in W.P.(MD) No.4685 of 2021, by which the learned Single Judge has declined to accede to the prayer of the appellant herein to direct payment of his



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terminal benefits. The appellant herein, now an octogenarian, was working as an Extension Officer in the sixth respondent-Panchayat Union and after serving in the post for about 35 years and perhaps towards the end of his official innings, faced charges of murder. He was eventually convicted by the Sessions Court, which came to be confirmed up to the Hon'ble Supreme Court. He served the terms and has since been released.

2. Since there was charge with murder, in terms of Rule 21 of the Tamil Nadu Pension Rules, 1978 his terminal benefits were forfeited. It is in this backdrop when the appellant approached the learned Single Judge, he was shown the exist door to remedy before the Court. Optimistic that the appellant is, he approached this Court in appeal challenging the said order. It is like posing a question to a known answer, except that the appellant's optimism refuses to accept it. For the Court, the writing is plainly on the wall and it agrees with the findings of the learned Single Judge.

3. Learned counsel for the appellant tried to project Rule 46-A of the Tamil Nadu Pension Rules, but that provision is akin to Section 25 of the Hindu



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Succession Act, 1956. All Rule 46-A of the Tamil Nadu Pension Rules states is that a murderer of a Government servant shall not be a beneficiary of a terminal benefits rather gratuity payable to the murdered Government servant. This provision has least application to the context of the case.

4. For the above reasons, this Court does not find any reason to interfere with the order of the learned Single Judge dated 07.06.2019 passed in W.P.(MD) No.4685 of 2011. Accordingly, this Writ Appeal is dismissed. No costs.

(N.S.S., J.)

(P.V.M., J.)

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NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR



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Chennai-600 015.
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- 4.The Assistant Director,
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N. SESHASAYEE, J.
and
P.VADAMALAI, J.

ABR

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