



W.P.No.7712 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.7712 of 2022

N.Subramani

... Petitioner

Vs

1. The Secretary to the Government
Ministry of Revenue
Fort Saint George,
Chennai 600 009.
2. The Commissioner of Revenue Administration,
Government of Tamil Nadu,
Ezhilagam, Chennai.
3. The Collector,
Chengalpet District,
Office of the Collector,
Chengalpet District,
Chengalpet.
4. The Revenue Divisional Officer,
Tambaram Division
Office of the Revenue Divisional Officer,
Tambaram, Chennai.

.... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus to direct the respondents to allow the petitioner to retire and consequently pay all his retirement benefits and pension benefits from the date of his retirement i.e., from 30.06.2013 by considering his representation dated 21.12.2021.

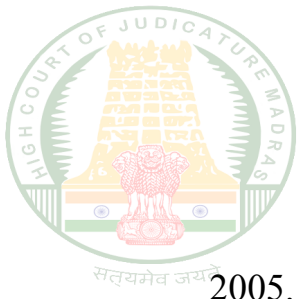
For Petitioner : Mr.D.Bennington

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a writ of mandamus to direct the respondents to allow the petitioner to retire and consequently pay all his retirement benefits and pension benefits from the date of his retirement i.e., from 30.06.2013 by considering his representation dated 21.12.2021.

2. The petitioner was appointed as Village Administrative Officer at Oothukottai, Panapakkam Village, on 05.08.1982. He had put in unblemished and meritorious service in various places up to the year



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2005. While so, a complaint was lodged against the petitioner before the Vigilance and Anticorruption Department in Crime No.8 of 2005 for demanding Rs.1000/- for transfer of patta. Though the phenol test returned negative, the petitioner was suspended from service due to registration of FIR against him. Thereafter, the petitioner was acquitted from the criminal case in Spl.C.C.No.1 of 2022, on the file of the Chief Judicial Magistrate, Chengalpet. The petitioner superannuated on 30.06.2013, however, the 4th respondent vide order dated 28.06.2013, did not allow him to retire from service. Even after the petitioner's acquittal from the criminal case, his suspension order was not revoked and it was kept pending without any reason. On retirement, the retirement benefits were not paid to the petitioner and so he submitted a representation dated 21.12.2021, to the respondents to allow him to retire and to pay him the retirement and pension benefits. As no action was taken by the respondents on the said representation, the petitioner filed the writ petition for the aforesaid relief.

3. A detailed counter was filed by the 4th respondent denying all the



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contentions and allegations raised by the writ petitioner. The 4th respondent stated that though the petitioner was acquitted by the Special Court, Chengalpattu, by order dated 21.07.2017, in Spl.C.C.No.1 of 2007, he was not permitted to retire on 30.06.2013, on attaining superannuation, because of the pendency of the case in Crime No.8 of 2005. It is further stated that the petitioner was also not permitted to retire in view of the pendency of the charge memo dated 20.05.2019, issued under Rule 17(b) of the Tamil Nadu Civil Services (D&A) Rules, and the pendency of the Criminal Appeal, filed by the State in CrI.M.P.No.4161 of 2018, in CrI.A.Sr.No.15192 of 2018, against Special Case No.1 of 2007. According to the respondents the suspension order passed against the petitioner was not revoked and consequently he was not permitted to retire from service, in view of the pendency of the criminal case and disciplinary proceedings. The respondents stated that the petitioner was not entitled to any relief and therefore prayed for dismissal of the writ petition.

4. Heard both sides and perused the materials available on record.



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5. It is seen that the petitioner was involved in a criminal case in Spl.C.C.No.1 of 2022, and after comprehensive trial the petitioner was acquitted by judgment dated 21.07.2017. It is stated that Criminal Appeal filed by the State, against the aforesaid judgment in CrI.M.P.No.4161 of 2018, in CrI.A.Sr.No.15192 of 2018, is pending before this Court. Though the petitioner superannuated on 30.06.2013, he was not allowed to retire by the 4th respondent vide his order dated 28.06.2013. The petitioner initially was paid subsistence allowance and thereafter it was stopped on 30.06.2013, due to the pendency of the criminal proceedings. Even the terminal benefits were not settled to the petitioner.

5. Taking into consideration the factual aspects of the matter and without going into the merits of the case, this Court issues the following directions:

(i) the petitioner is directed to send a fresh representation to the fifth respondent, within a period of two weeks from the date of receipt of a copy of this order.



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(ii) on such representation being made, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

(iii) The respondents are directed to pay the Subsistence Allowance, Provident Fund, Gratuity, Earned Leave and Unearned Leave which the petitioner is entitled to from the date of superannuation i.e., 30.06.2013 to till date.

6. This Writ Petition is disposed of with the above observation and directions. No costs. Consequently connected miscellaneous petition is also closed.

20.02.2025

dpq

Index: Yes/No

Speaking order / Non speaking order



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N.MALA, J.

dpq

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