



W.P.NO.22601 OF 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

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THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.22601 OF 2024

AND

WMP NOS.24627 & 24628 OF 2024

AND

WMP NO.9962 OF 2025

G.Elumalai

... Petitioner

VS.

1.State of Tamil Nadu

Rep. By its Joint Commissioner
(Land Acquisition)
Chepauk, Chennai – 600 005.

2.Thiru. Dominic Sreedhar

Superintendent
Land Administration Department
Ezhilagam, Chepauk,
Chennai – 600 005.

3.The Assistant Accounts Officer / OM1

O/o. The Accountant General (A&E)
Tamil Nadu
361, Anna Salai, Teynampet,
Chennai – 600 018.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent pertaining to his proceedings made in Rc.No.A3/4049197/2023 dated 25.09.2023 and Proc.No. A3/4049197/2023 dated 29.09.2023 and quash the same and consequently direct the 1st respondent to pay all the retirement service benefits to the petitioner and arrears of subsistence allowance, HRA, CCA, DA and other benefits from 30.09.2023 to the petitioner.

For Petitioner : Mr.R.Malaichamy

For Respondent-1 : Mr.V.Nanmaran
Additional Government Pleader

For Respondent-3 : Ms.G.Vardini Karthik

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the Proceedings of the first respondent dated 25.09.2023 and 29.09.2023 and quash the same and direct the first respondent to pay all the retirement service benefits, arrears of subsistence allowance, HRA, CCA, DA and other benefits on and from 30.09.2023, to the petitioner.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner was working as Duffader in the office of



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the first respondent Joint Commissioner (Land Acquisition) Chepauk, Chennai. He was then transferred and posted as Office Assistant to Gudalur Taluk Office, Nilgiris District. The first respondent had issued a Charge Memo on 06.04.2023 under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules stating that the petitioner had informed about the movement of a particular file in the office. Thereafter, a notice was issued to the petitioner and the petitioner had given his explanation. The petitioner claims that the charge memo is defective and therefore, he filed the present writ petition seeking interference of this Court with the said Proceedings.

3.The learned counsel for the petitioner, however, forwarded a copy of the further Proceedings of the Joint Director (Land Acquisition) dated 02.12.2024 in Se.MU.Aa.No.A3/4049197/2023 wherein after reviewing the entire case, the first respondent had taken a decision to drop the charges as charges not pressed, since there has been no pecuniary loss caused to the Government.



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4.Naturally, the petitioner will now have to be restored with his financial and other monetary and service benefits. In this connection, attention had been drawn to a further communication indicating that the service record of the petitioner has been forwarded for the calculation of the benefits payable to him. The petitioner has also submitted a representation dated 12.02.2025, seeking settlement of his retirement benefits.

5.Seeking a direction that the said representation should be considered, the petitioner had filed a miscellaneous petition in WMP No.9962 of 2025 in W.P.No.22601 of 2024.

6.Taking into consideration all these facts, a direction is issued to the first respondent to pass appropriate orders on the representation submitted by the petitioner on 12.02.2025, within a period of four weeks from the date of receipt of a copy of this order. The first respondent is further directed to settle all the retirement benefits due and payable to the petitioner within a period of three months from the date of taking a decision on the representation. In the event of any further delay,



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the first respondent will be required to pay interest at the rate of 6% per annum from the date of retirement until the date of disbursement. It is therefore, in the interest of the first respondent to ensure that the retirement benefits are paid to the petitioner at the earliest. The first respondent may also take an appropriate decision regarding whether to treat the period of suspension as 'on duty' or as 'on leave.' Since the first respondent has themselves dropped the charges, it would be only appropriate to treat the period as 'on duty.' The first respondent is, therefore, directed to pass appropriate orders in this regard.

7.The writ petition stands disposed of accordingly. Consequently, WMP Nos.24627 and 24628 of 2024 in W.P.No.22601 of 2024 are closed and WMP No.9962 of 2025 in W.P.No.22601 of 2024 stands allowed. No costs.

01.04.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
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C.V.KARTHIKEYAN, J.

TK

To

- 1.The Joint Commissioner
(Land Acquisition)
Chepauk, Chennai – 600 005.
- 2.The Assistant Accounts Officer / OM1
O/o. The Accountant General (A&E)
Tamil Nadu
361, Anna Salai, Teynampet,
Chennai – 600 018.

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