



W.P.(MD)No.1761 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.1761 of 2019

and

W.M.P.(MD)Nos.1517 & 1518 of 2019

Vasantha Kumari

... Petitioner

Vs.

1.The District Collector,
Kanniyakumari District,
Kanniyakumari.

2.The Tashildar,
Kalkulam Thakalai,
Kanniyakumari District.

3.The Revenue Divisional Officer,
Padmanathapuram,
Kanniyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent dated 03.11.2003 in A2/28323/2000 and quash the same and consequently disburse all the terminal benefits payable to the petitioner's husband.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.



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ORDER

Under assail is the order of the second respondent dated 03.11.2003 and consequently to direct the respondents to disburse all the terminal benefits payable to the petitioner's husband.

2.It is the case of the petitioner that her husband was working as Village Assistant at Aalur Village, Kalkulam Taluk, Kanniyakumari District. A false case has been foisted against him on the charges of Prevention of Corruption Act. Pending criminal case, petitioner's husband was suspended, against which, he preferred Original Application before the Tamil Nadu Administrative Tribunal in O.A.No. 9274 of 2000 and obtained an order of interim stay. Pursuant to the same, he was continued in the service. Thereafter, in the criminal case in S.C.No.2 of 2002 on the file of the learned Chief Judicial Magistrate cum Special Judge, Nagercoil, vide judgment dated 25.06.20003, he was convicted. Thereafter, he was removed from service vide order impugned dated 03.11.2003. The said order passed only based on the order of conviction passed by the trial Court. No disciplinary proceedings was initiated against the petitioner's husband. As against the



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conviction, he had preferred an appeal before this Court in CrI.A.No. 1110 of 2003. This Court, vide judgment dated 22.04.2010 was pleased to set aside the order of conviction and acquitted him from all the charges. The Vigilance and Anti-Corruption Department had preferred SLP(CrI)3066 of 2012 against the order of acquittal before the Hon'ble Supreme Court and the same was also dismissed by an order dated 21.03.2017. Even thereafter, the petitioner's husband was not reinstated and he died on 18.02.2018 and the impugned order came to be passed. Hence, the writ petition.

3.The learned Additional Government Pleader would submit that entire pensionary benefits has been settled to the petitioner and nothing survives in this writ petition for further adjudication. He has also produced a letter addressed by the Thasildar, Kalkulam to the learned Additional Government Pleader.

4.The learned counsel appearing for the petitioner seeks liberty to raise claim for the period between 2010 to 2018, since the dismissal from service is not based on any departmental proceedings.



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5.Recording the above submission of the learned Additional

Government Pleader, this writ petition is closed. The petitioner is at liberty to workout her remedy, in the manner known to law, if necessary.

No costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
gns

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To

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M.JOTHIRAMAN, J.

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