



W.P.(MD).Nos.26607 of 2023 and 31198 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.26607 of 2023 and 31198 of 2024

and

W.M.P(MD) No.26167 of 2024

W.P.(MD) No.26607 of 2023:

I. Palanisamy

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.

3. The Tahsildar,
Manur Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to permit the petitioner to retire from service with effect from 31.05.2014 and disburse the terminal benefits within the time stipulated by this Court, on the basis of the petitioner's representation dated 24.01.2023.



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W.P.(MD).Nos.26607 of 2023 and 31198 of 2024

For Petitioner : Mr.A.K.Baskarapandian

For Respondents : Mr.A.Baskaran
Additional Government Pleader

W.P.(MD) No.31198 of 2024:

I. Palanisamy

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Revenue and Disaster Management,
Secretariat, St.George Fort,
Chennai.

2. The District Collector,
Tirunelveli District,
Tirunelveli.

3. The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.

4. The Tahsildar,
Manur Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the third respondent relating to his proceedings in Roc.No.A7/1350/2011, dated 30.05.2014 and quash the same.



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W.P.(MD).Nos.26607 of 2023 and 31198 of 2024

For Petitioner : Mr.A.K.Baskarapandian

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed by a Village Administrative Officer, challenging the order dated 30.05.2014, wherein the petitioner has not been permitted to retire and he has been retained in service and seeking a Mandamus to permit the petitioner to retire from services and for disbursement of terminal benefits.

2. The petitioner herein was placed under suspension for his involvement in DVAC proceedings on 11.05.2005. The said order of suspension was revoked on 17.10.2008. When the petitioner attained the age of superannuation on 31.05.2014, under the impugned order, dated 30.05.2014, the petitioner was not permitted to retire and he was retained in service on the sole ground that DVAC criminal case is pending as against him.



W.P.(MD).Nos.26607 of 2023 and 31198 of 2024

WEB COPY

3. According to the learned counsel appearing for the writ petitioner, the petitioner was implicated in a criminal case in Crime No.06 of 2005 on the file of the Inspector of Police, Vigilance and Anti Corruption Police Station, Tirunelveli District and charge sheet came to be laid in Special Case No.2 of 2006 before the Chief Judicial Magistrate Court, Tirunelveli District. After full-fledged trial, the petitioner was acquitted on 29.11.2019. Thereafter, the petitioner has addressed several representations to permit him to retire from service and for disbursement of terminal benefits. Since those requests were not considered, the present writ petitions have been filed.

4. According to the learned counsel appearing for the writ petitioner, when the order of retention in service is traceable to the criminal case and the said criminal case has ended in acquittal, the petitioner should have been permitted to retire from services. He further contended that so far no charge memo has been issued to him even after the acquittal orders passed by the criminal Court.

5. Per contra, the learned Additional Government Pleader appearing for



W.P.(MD).Nos.26607 of 2023 and 31198 of 2024

the respondents herein relying upon the communication addressed by the RDO to DVAC had contended that so far information has not been received from DVAC as to whether any appeal has been filed as against the order of acquittal of the writ petitioner or not. In such an event, the order of retention in service cannot be interfered with.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. A perusal of the order impugned in the writ petition in W.P(MD) No. 31198 of 2024, dated 30.05.2014 reveals that the petitioner has not been permitted to retire and retained in service on the sole ground that the petitioner has been implicated in a criminal case, which is pending investigation. The petitioner has been acquitted from the criminal case by the learned Chief Judicial Magistrate, Tirunelveli on 29.11.2019. Even though five years have elapsed, so far no appeal has been filed by the DVAC Department. That apart, so far no charge memo has been issued to the writ petitioner.



W.P.(MD).Nos.26607 of 2023 and 31198 of 2024

WEB COPY

8. In such view of the matter, it is clear that once the order of retention in service is solely traceable to the criminal case and the petitioner has already been acquitted, there cannot be any legal impediment for the department to permit the petitioner to retire from service.

9. In view of the above said facts, this Court is inclined to pass the following orders:

a. The order impugned in the Writ Petition in W.P(MD) No.31198 of 2024, dated 30.05.2014 is hereby set aside and the writ petitioner is deemed to have attained superannuation on 31.05.2014; and

b. The respondents are directed to disburse the terminal benefits to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.



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W.P.(MD).Nos.26607 of 2023 and 31198 of 2024

10. With the above said observations, the writ petition in W.P(MD) No. 31198 of 2025 stands allowed and W.P(MD) No.26607 of 2023 is disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

08.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Additional Chief Secretary to Government,
Revenue and Disaster Management,
Secretariat, St.George Fort,
Chennai.
2. The District Collector,
Tirunelveli District,
Tirunelveli.
3. The Revenue Divisional Officer,
Tirunelveli District,
Tirunelveli.
4. The Tahsildar,
Manur Taluk,

7/9



W.P.(MD)Nos.26607 of 2023 and 31198 of 2024

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Tirunelveli District.

R.VIJAYAKUMAR,J.

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W.P(MD)Nos.26607 of 2023 and 31198 of of 2024



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**W.P.(MD).Nos.26607 of 2023 and 31198 of
2024**

08.01.2025