

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.560 of 2015 and M.P. No.1 of 2015

J. Venugopal
Superintending Engineer
(now under suspension)
Chennai City Municipal Corporation
Chennai 600 003

Appellant

Vs.

- 1 The Secretary to Government
Municipal Administration and Water Supply Department
Secretariat
Fort St. George
Chennai 600 009
- 2 The Commissioner
Chennai City Municipal Corporation
Chennai 600 003
- 3 Thiru K. Phanindra Reddy, I.A.S.
Secretary to Government
Municipal Administration and Water Supply Department
Secretariat
Fort St. George
Chennai 600 009

Respondents

Writ Appeal preferred under Clause 15 of the Letters Patent challenging the order dated 01.07.2014 passed in W.P. No.17203 of 2014.

Prayer in W.P.No.17203 of 2014:- Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus Calling for the records relating to the impugned order issued by the 1st Respondent in GO (D) No.243 MAWS Department dated 28.6.2014 and quash the same and consequently to direct the 1st Respondent to permit the Petitioner to retire from service on 30.6.2014 without prejudice to the pendency of Audit paragraphs.

For appellant Mr. T. Ranganathan

For RR 1 & 3 Mr. N. Sakthivel, Govt. Advocate

For R2 Mr.G.Anantharangan, Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

The instant intra-Court appeal arises from the order dated 01.07.2014 passed in W.P. No.17203 of 2014, whereby and whereunder, the writ petition filed by the appellant, questioning the legality of the orders dated 28.06.2014 and 30.06.2014, has been dismissed.

2 On a perusal of the documents, it is found that there is an audit objection to the tune of Rs.7,84,00,294/-, pending against the appellant and as such, before his retirement on 30.06.2014, he has been placed under suspension on 28.06.2014 and his service has been extended.

3 The learned counsel for the appellant/writ petitioner would submit that it is a well settled proposition of law that audit objection cannot be a ground for placing an employee under suspension.

4 It may not be proper to go into the merits of the case, at this stage. However, we direct the authorities to consider and decide the proceedings, at the earliest, preferably within a period of eight weeks from the date of receipt of a copy of this order and take a decision.

5 The writ appeal stands disposed of with the above said direction. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

1 The Secretary to Government
Municipal Administration and Water Supply Department
Secretariat
Fort St. George
Chennai 600 009

2 The Commissioner
Chennai City Municipal Corporation
Chennai 600 003

3 Thiru K. Phanindra Reddy, I.A.S.
Secretary to Government
Municipal Administration and Water Supply Department
Secretariat
Fort St. George
Chennai 600 009

1 cc to Mr.G. Antharangan, advocate, Sr. 21280
1 cc to Mr.T. Ranganathan, advocate, Sr. 20908
1 cc to M/s. Government Advocate, Sr. 21048

W.A. No.560 of 2015

CNr (CO)
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