

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.6.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.10097 of 2015
and
M.P.Nos.1 and 2 of 2015

M.Pandian

...Petitioner

vs.

1. The Secretary to Government
Rural and Development and Panchayat Raj
Department Chennai 9
2. The Director
Rural Development and Panchayat Raj,
Chennai-15
3. The Additional Director
Rural Development cum project director
District Rural Development Agency, Vellore 9
4. The District Collector
Vellore District
5. Banumathi Duraisamy

6. Shankar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified mandamus, calling for the records on the file of the 4th respondent in his proceedings Rc. No. 2856/2015/PA1/-dated 27.3.2015 and consequential order in Rc. No. 2856/2015/PA1/-dated Nil.3.2015 and signed on 31.3.2015 not permitting the petitioner from retiring on his reaching Superannuation on 31.3.2015 as illegal unlawful and quash the same and consequently direct the 4th respondent to permit the petitioner to retire as per his Superannuation on 31.3.2015 and giving all terminal and retirement benefits to the petitioner

For Petitioner : Mr.S.Venkatesh
For R1 to R4 : Mr.V.Jayaprakash Narayanan,
Spl.G.P
For R5 : Mr. Palaniselvaraj

O R D E R

The petitioner was a Block Development Officer in Vellore district. He was to retire on 31.3.2015 on reaching the age of superannuation. Invoking its power under Rule 56(1)(c) of the Fundamental Rules, the District Collector, Vellore, placed the petitioner under suspension by order dated 27.3.2015 and further passed an impugned order dated 31.3.2015 not permitting him to retire. The petitioner has filed this writ petition to quash both the order of suspension and order retaining him in service.

2. Since the suspension order was issued at the verge of his retirement, this Court on 08.4.2015 issued a direction to the learned AGP to ascertain as to why it was issued at the verge of retirement in contravention with G.O.Ms.No.144, Personal and Administrative Reforms (N) Department, dated 08.6.2007. While so, counter affidavit was filed. The counter affidavit is not specific and it is vague. Allegations were made in the counter affidavit that the petitioner committed offences punishable under Sections 13 (2) r/w 13(1) (c) and (d) of Prevention of Corruption Act, 1988 and u/s 120(b), 167, 409, 467, 468, 471, 477-A, 420 of IPC. However on 23.4.2015, when the matter was heard, the learned Special Government Pleader stated that no FIR was registered. In this circumstance, matter was adjourned to verify as to whether charge memo was issued.

3. Today, an additional counter affidavit is filed. A charge memo dated 09.6.2015 is also placed before this Court.

4. As per the additional counter affidavit, a criminal case is registered on 26.3.2015 under Sections 13(2) r/w 13(1) (c) and (d) of Prevention of Corruption Act, 1988 and u/s 120(b), 167, 409, 467, 468, 471, 477-A, 420 of IPC in FIR.No.4 of 2015 on the file of Vigilance and Anti-Corruption, Vellore Detachment, Vellore.

5. The learned counsel for the petitioner has submitted that the Additional Superintendent of Police, Vigilance and Anti Corruption, Vasanthapuram Road, Vellore is investigating the matter.

6. In the circumstances, the investigating officer, who is investigating on the Cr.No.4 of 2015 that was registered on

26.3.2015 against the petitioner under Sections 13(2) r/w 13(1) (c) and (d) of Prevention of Corruption Act, 1988 and u/s 120(b), 167, 409, 467, 468, 471, 477-A, 420 of IPC is directed to complete investigation within a period of six months from the date of receipt of a copy of this order and to file a final report to the concerned Court. On filing of such a final report, the concerned Court is directed to complete the trial and pass final order within a period of one year thereafter.

7. Writ petition is disposed of with the above said direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Rural and Development and Panchayat Raj
Department Chennai 9
2. The Director
Rural Development and Panchayat Raj,
Chennai-15
3. The Additional Director
Rural Development cum project director
District Rural Development Agency, Vellore 9
4. The District Collector
Vellore District.
5. The Additional Superintendent of Police,
Vigilance and Anti Corruption,
Vasanthapuram Road, Vellore.

1 CC to Mr. Palaniselvaraj, Advocate SR.No. 28552
1 CC to the Government Pleader, SR.No. 28615
1 CC to Mr.S.Venkatesh, Advocate SR.No. 28354

TS (CO)
PSI (22.06.2015)

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