

In the High Court of Judicature at Madras

Dated : 27.4.2015

Coram :

The Honourable Mr. Justice V. RAMASUBRAMANIAN
and
The Honourable Mr. Justice T. MATHIVANAN

Writ Petition No. 12561 of 2015

N. Velu

...Petitioner

Vs

1. The Registrar General, High Court,
Madras.

2. The Secretary, Government of
Tamilnadu, Department of Public,
Fort. St. George, Chennai-9.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to allow to retire the petitioner with all attendant benefits at once.

For Petitioner : Mr. R. Anbarasan

For R2 : R. Ravichandran AGP

Order of the Court was made by V. Ramasubramanian, J

The petitioner, who was holding the post of Principal District Judge, Namakkal and who was not permitted to retire on reaching the age of superannuation on account of pendency of disciplinary proceedings, has come up with the above writ petition, seeking a Mandamus to direct the respondents to permit him to retire with all attendant benefits.

2. Heard Mr. R. Anbarasan, learned counsel for the petitioner.

3. The petitioner was placed under suspension pending enquiry into grave charges by the proceedings dated 18.1.2013. Thereafter, he reached the age of superannuation on 31.7.2013. But, a departmental enquiry initiated against him was pending on that date. Therefore, by the proceedings dated 30.7.2013, he was not permitted to retire, but retained in service in terms of Rule 56(1)(c) of the Fundamental Rules, in public interest.

4. Subsequently, in respect of one disciplinary proceedings, he was imposed with a penalty of stoppage of increment without cumulative effect by the proceedings dated 18.7.2014.

5. In respect of another disciplinary proceedings, the enquiry was concluded and the report of the Enquiry Officer was accepted and further proceedings were directed to be dropped.

6. In respect of yet another enquiry, charges were held proved and by an office memorandum dated 11.12.2014, the petitioner was directed to submit his further representation to the findings recorded by the Enquiring Judge. It is not stated by the petitioner as to whether he has submitted his further representation to this office memorandum or not.

7. Be that as it may, it is clear that one enquiry initiated against the petitioner, by an office memorandum dated 6.2.2014, has now concluded. The petitioner has to await final orders to be passed in the said proceedings. In the meantime, he cannot come up with a prayer seeking a direction to the respondents to permit him to retire.

8. Accordingly, the writ petition is dismissed.

9. Though the petitioner has not come up with a prayer in specific terms, it is stated by him that subsistence allowance was not paid.

10. The first respondent may look into the same.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Registrar General, High Court, Madras.

2.The Secretary, Government of Tamilnadu, Department of Public,
Fort.St.George, Chennai-9.

+1 cc to Government Pleader,SR.23239

+1 cc to Mr.K.Anbarasan, Advocate,SR.23751.

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W.P.No.12561 of 2015