

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.14617 of 2015

S.Chandrasekar

...Petitioner

Vs.

1. The Government of Tamil Nadu
Rep.by its Agricultural Production
Commissioner & Principal Secretary,
Agricultural Department,
Fort St.George, Chennai.

2. The Chief Engineer,
Agricultural Engineering Department,
Chennai - 35.

...Respondents

Prayer: This writ petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the 1st respondent to consider and pass orders on the representation dated 20.04.2015 made by the petitioner seeking to permit him to retire from service on his reaching the date of superannuation i.e. on the afternoon of 31.07.2015 pending continuance of disciplinary proceedings under Rule 9 of Tamil Nadu Pension Rules 1978.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

ORDER

With the consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner seeks for issuance of a writ of Mandamus, directing the first respondent to consider and pass orders on the representation submitted by him dated 20.04.2015, in and by which, he

seeks permission to retire from service on his attaining the age of superannuation i.e. on 31.07.2015, pending continuance of disciplinary proceedings initiated under Rule 9 of Tamil Nadu Pension Rules, 1978.

3. Heard Mr.N.A.Nissar Ahmed, learned counsel appearing for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate appearing for the respondents.

4. It is contended by the learned counsel appearing for the petitioner that the co-delinquent was permitted to retire from the service by the first respondent Government by passing G.O.(3D)No.23, Agriculture (AA8) Department, dated 31.01.2014, subject to the disciplinary proceedings pending against him under Rule 9 of Tamil Nadu Pension Rules, 1978. Therefore, the learned counsel for the petitioner seeks that very same order may be passed by the first respondent in respect of this petitioner also.

5. It is seen that already the petitioner has approached the first respondent by way of aforesaid representation dated 20.04.2015 and therefore, it is for the first respondent to consider the same and pass appropriate orders on merits and in accordance with law.

6. Accordingly, the Writ Petition is disposed of only with a direction to the first respondent to consider the representation submitted by the petitioner dated 20.04.2015, and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order. No costs.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

rpa/sms

To

1. The Agricultural Production Commissioner & Principal Secretary to Government of Tamil Nadu, Agricultural Department, Fort St.George, Chennai.

2. The Chief Engineer,
Agricultural Engineering Department,
Chennai - 35.

1 CC to Mr.N.A.Nissar Ahmed , Advocate SR.No. 25165

1 CC to the Government Pleader, SR.No. 25133

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AK (CO)
PSI (18.05.2015)



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