

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.20480 of 2015

C.Kanagajothi

...Petitioner

vs.

1.Government of Tamil Nadu,
Co-operation, Food and Consumer
Protection Department,
Secretariat, Chennai - 600 009.

2.The Registrar of Co-operative Societies,
170, Periar EVR Salai,
Kilpauk, Chennai - 600 010.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to complete the disciplinary proceedings initiated by the 2nd respondent against the petitioner in Na.Ka.No.59809/2012/PDS/M1-3 dated 25.11.2014 within a reasonable period as may be fixed by this Court considering the fact that the petitioner has already attained the age of superannuation on 30.09.2013 and consequently direct the respondents to release the Special Provident Fund, Encashment of Earned Leave at his credit as on 30.09.2013 within a reasonable period.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.L.P.Shanmugasundaram
Spl.Govt.Pleader

O R D E R

Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the respondents.

2. The petitioner was working as Deputy Registrar of Co-operative Societies. He reached the age of superannuation on 30.09.2013. While so, the first respondent passed an order on 28.09.2013 not permitting the petitioner to retire from service and placed him under suspension. Thereafter, the petitioner was issued with charge memo dated 25.11.2014 in Na.Ka.No.59809/2012/PDS/ M1(3) under Rule 17(b) of Tamil Nadu Civil Services (D & A) Rules.

3. In these circumstances, the petitioner has filed this writ petition with a limited prayer to direct the second respondent to complete the disciplinary proceedings relating to charge memo dated 25.11.2014 within a stipulated period and for a further direction to settle his contribution towards Special Provident Fund and Encashment of Earned Leave at his credit.

4. In view of the narrow prayer made, the second respondent is directed to complete the disciplinary proceedings relating to charge memo dated 25.11.2014 and pass final orders within a period of six months from the date of receipt of a copy of this order. A further direction is issued to the second respondent to settle his contribution towards Special Provident Fund and Encashment of Learned leave at his credit, as the same could not be denied even in the case of dismissal, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The Secretary to Government of Tamil Nadu,
Co-operation, Food and Consumer
Protection Department,
Secretariat, Chennai - 600 009.

2.The Registrar of Co-operative Societies,
170, Periar EVR Salai,
Kilpauk, Chennai - 600 010.

+1cc to Mr.T. Ranganathan, Advocate, S.R.No.34602

+1cc to the Government Pleader, S.R.No.35035

EU(27/07/2015)

W.P.No.20480 of 2015