

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21214 of 2015 and
M.P.No.1 of 2015

G.Mani

.. PETITIONER

Vs

The Secretary to Government of Tamil Nadu,
Agriculture (AA8) Department,
Fort St. George, Chennai.

... RESPONDENT

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in G.O.(3D) No.202 Agriculture (AA8) Department dated 30.06.2015 and the consequential order passed in G.O.(3D) No.203, Agricultural (AA8) Department, dated 30.06.2015 and quash the same and consequently, direct the respondent to permit the petitioner to retire without prejudice to the departmental action to be initiated against him and in the light of G.O.(3D) No.154, Agricultural (AA8) Department, dated 31.10.2012.

For petitioner : Mr.N.Balamuralikrishnan

For Respondent : Mr.S.Gunasekaran,
Government Advocate

O R D E R

The petitioner is an Executive Engineer in Tamil Nadu Agricultural Engineering Service. He has to retire from service on 30.06.2015. But, he was retained in service and not permitted to retire by the Government by issuing G.O.(3D)No.203 Agriculture (AA8) Department dated 30.06.2015 by invoking Rule 56(1)(c) of the Fundamental Rules. It is stated that he was retained in service until the enquiry into grave allegations pending against him are concluded and final orders are passed.

2. The Government also issued G.O.(3D) No.202, Agriculture (AA8) Department dated 30.06.2015 placing him under suspension.

3. The petitioner has filed this Writ Petition seeking to quash the G.O.(3D) Nos.202 and 203 dated 30.06.2015.

4. At the time of hearing, the learned Counsel for the petitioner has submitted that the petitioner would be satisfied if the petitioner could be permitted to make a representation to the respondent and the respondent could be directed to dispose of the matter in the light of G.O.(3D) No.154, Agricultural (AA8) Department, dated 31.10.2012.

5. The learned Counsel for the petitioner has further submitted that the petitioner has already made a representation dated 04.05.2015 through proper channel.

6. In view of the aforesaid submission, the Writ Petition is disposed of permitting the petitioner to make a fresh representation enclosing the earlier representation dated 04.05.2015 to the respondent within a period of one week from the date of receipt of a copy of this Order and on receipt of the same, the respondent is directed to pass orders on the same on merits and in accordance with law and in the light of G.O.(3D) No.154, Agricultural (AA8) Department, dated 31.10.2012, within twelve weeks thereafter. No costs. Consequently, connected Miscellaneous Petition is also closed.

tsi

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

The Secretary to Government of Tamil Nadu,
Agriculture (AA8) Department,
Fort St. George, Chennai.

+ 1 cc to M/s.V.Vijay Shankar, Advocate SR 36506

+ 1 cc to Govt.Pleader SR 36037

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