

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 22-07-2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21945 OF 2015

M.G.Raghuraman

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Petitioner

-vs-

1.The Government of Tamil Nadu,  
rep.by the Secretary to Government,  
Health and Family Welfare Department,  
Fort St.George,  
Chennai-600 009.

2.The Director of Drugs Control,  
Chennai-600 006.

...

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to permit the petitioner to retire from service with effect from 31.02.2007, and grant him all consequential benefits including retirement benefits with interest and promotion as Assistant Director of Drugs Control on par with his junior K.Sundarasamy.

For petitioner : Mr.P.Rajendran

For respondents : Mr.V.Jayaprakash Narayanan,  
Special Govt.Pleader.

O R D E R

The petitioner was initially appointed as a Drug Inspector and subsequently promoted as a Senior Drug Inspector. He was due to retire from service on 31.07.2007, but, the Government passed G.O.(D) No.906, Health and Family Welfare (1-2) Department, dated 31.07.2007, placing the petitioner under suspension on the ground that three departmental disciplinary cases were pending against him. At the same time, the Government also passed another G.O.(D) No.907, Health and Family Welfare (1-2) Department, dated 31.07.2007, not permitting the petitioner to retire from service.

2. The case of the petitioner is that all the three departmental disciplinary proceedings against him have been dropped vide the proceedings of the Director of Drugs Control, dated 19.12.2008, and G.O.(D) No.57, Health and Family Welfare Department, dated 17.01.2014 and another G.O.(D) No.594, Health and Family Welfare Department, dated 11.05.2015.

3. Though all the three disciplinary proceedings were dropped, according to the petitioner, no G.O.is passed, permitting him to retire from service on 31.07.2007 and hence he is not able to get the retirement benefits. In this connection, he has submitted a representation, dated 11.06.2015, to the respondents.

4. Considering the facts and circumstances of the case, the first respondent is directed to pass orders on the representation of the petitioner, dated 11.06.2015, in the light of the aforesaid facts and if, as stated by the petitioner all the disciplinary proceedings are dropped, and there is no other disciplinary proceeding pending against him, the first respondent shall permit the petitioner to retire from service on 31.07.2007, by passing appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order and grant terminal benefits with interest as per the decision of this Court in Government of Tamil Nadu, rep.by the Secretary to Government, Revenue Department, v. M.Deivasigamani, (2009) 3 MLJ 1.

5. Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

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To

1.The Secretary to Government,  
Government of Tamil Nadu,  
Health and Family Welfare Department,  
Fort St.George,  
Chennai-600 009.

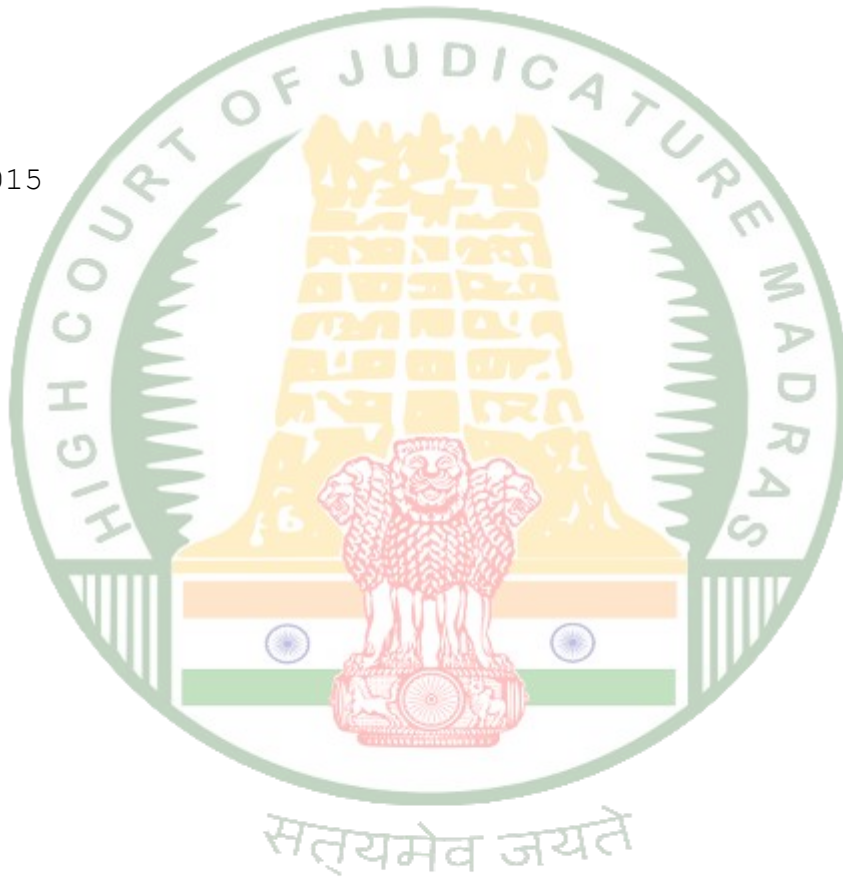
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2.The Director of Drugs Control,  
Chennai-600 006.

+1 cc to M/s.P.Rajendran Advocate sr.37893  
+1 cc to Government Pleader sr.37361

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