

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.17094 of 2012

S.Anusuya

.. Petitioner

vs.

1. The Secretary to Government
Social Welfare & NMP Department
Fort St. George, Chennai - 600 009

2. The Director of Social Welfare
Chepauk, Chennai - 600 005

.. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the second respondent herein in R.C.No.12187/Admn 5 (3) / 2004 dated 8.1.2008 and quash the same and consequently direct the respondents herein to retire the petitioner from service with effect from 31.3.2008 after regularising the suspension period and out of employment period from 9.2.2007 to 31.3.2008 as duty for all purposes and confer the retirement benefits with all attendant and consequential benefits with due regard to the petitioner seniority.

For petitioner : Mr.R.S.Anandan

For respondents : Mr.P.Chinnadurai
Government Advocate

O R D E R

Heard the learned counsels appearing for the parties concerned.

2. At this stage of the hearing of the writ petition, the learned Government Advocate appearing for the respondents had submitted that the petitioner had preferred a statutory appeal, dated 18.1.2008, under Rule 19 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules challenging the impugned order, dated 8.1.2008, before the first respondent and the said statutory appeal filed by the petitioner is pending on the file of the first respondent. In such circumstances, the present writ petition is not maintainable.

3. The learned counsel appearing for the petitioner had not refuted the submissions made by the learned counsel appearing for the respondents that a statutory appeal had been filed by the petitioner, before the first respondent, under Rule 19 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, and that the said appeal is pending disposal.

4. In such circumstances, the first respondent is directed to dispose of the statutory appeal filed by the petitioner, dated 18.01.2008, on merits and in accordance with law, after giving an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. However, it is made clear that this Court has not expressed any opinion on the merits of the matter. The Writ Petition is disposed of, with the above directions. Connected M.P.No.1 of 2012 is closed. No costs.

Lan

Sd/-
Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To:

1. The Secretary to Government
Social Welfare & NMP Department
Fort St. George,
Chennai - 600 009
2. The Director of Social Welfare
Chepauk, Chennai - 600 005

+1 C.C. To MR.R.S.Anandan, Advocate in SR.NO.55904

Writ Petition No.17094 of 2012

Lrs (CO)
sd : 05/11/2015

WEB COPY