

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.15298 of 2016

G.Parthasarathy

.. Petitioner

-vs-

1.The Principal Secretary/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai-600 005.

2.M.Manikandan
Inquiring Officer/
Assistant Commissioner (CT),
Enforcement - I,
No.1, Greams Road,
Chennai-600 006.

3.The Secretary to Government,
Personnel and Administrative
Reforms (N) Department,
Secretariat, Chennai-600 009.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records in respect of the impugned proceedings E2/37873/2011-I & II dated 28.01.2016 of the first respondent and quash the same and direct the first respondent to pass an order to the effect that the petitioner was permitted to retire from service on his reaching the date of superannuation on the afternoon of 31.01.2016.

For Petitioner : Mr.Adithya Reddy

For Respondents: Mr.V.Haribabu
Additional Government Pleader

O R D E R

This writ petition has been filed by the petitioner, challenging the impugned proceedings E2/37873/2011-I & II dated 28.01.2016, passed by the first respondent and directing him to pass an order to the effect that he was permitted to retire from

service on his reaching the date of superannuation on the afternoon of 31.01.2016.

2.Learned counsel appearing for the petitioner would submit that prior to the petitioner's retirement, he was placed under suspension on 28.01.2016 on the allegation that he was found in possession of unaccounted money of Rs.470/- in addition to Rs.230/-. As the said money was unaccounted and he was not able to account for the same satisfactorily, he was issued with a charge memo dated 10.07.2015 for which he has submitted his explanation on 14.09.2015. He would further submit that even after completion of two years, the respondents have not proceeded with the enquiry and the order of suspension cannot be prolonged, since he has already reached the age of superannuation.

3.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

4.Pursuant to the charge memo dated 10.07.2015, the petitioner has given his explanation on 14.09.2015. Therefore, the respondents are directed to proceed with the enquiry, in the manner known to law and pass suitable orders, on merits, within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Principal Secretary/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai-600 005.

2.M.Manikandan
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Assistant Commissioner (CT),
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kra 25.05.2016



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