

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN, J.

W.P.No.17860 of 2016

D.Prabakaran

... Petitioner

vs.

1. The Managing Director
Tamil Nadu Housing Board
331, Annasalai, Nandanam
Chennai - 600 035

2.The Superintending Engineer
Chennai Region
Tamil Nadu Housing Board
331, Annasalai, Nandanam
Chennai - 600 035

.. Respondents

Writ Petition filed under Article 226 of Indian Constitution praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 06.05.2016 and thereby allow the petitioner to retire from his service on 31.05.2016 from the post of Executive Engineer and Administrative Officer at Tamil Nadu Housing Board, Sathuvachari, Vellore - 632 009 with all service emoluments.

For Petitioner : Mr.K.Munusamy

For Respondents : Mr.V.Anandamoorthy

O R D E R

By consent the writ petition itself is taken up for final disposal.

2. The petitioner is working as Executive Engineer and Administrative Officer of the Tamil Nadu Housing Board, Sathuvachari, Vellore. The case of the petitioner is that the second respondent has issued enquiry notice on 27.04.2016 calling the petitioner to appear for the enquiry on 04.05.2016. The learned counsel for the petitioner submits that since the petitioner was hospitalized on that particular day, he could not attend the enquiry.

3. In the meantime, as per his service, he is due to retire on attaining the age of superannuation on 31.05.2016. But the petitioner apprehends that due to the pendency of the above enquiry, he will not be permitted to retire from service. Hence, the petitioner made a representation to the respondents on 06.05.2016. Since the same was not considered till date, the petitioner came forward to file this writ petition.

4. Heard Mr.K.Munusamy, learned counsel for the petitioner and Mr.V.Anandamoorthy, learned counsel for the respondents.

5. The enquiry and retirement is entirely different and as on date, there is no charge memo or enquiry except the above enquiry pending against the petitioner. Hence, this Court is of the view that the respondents may conduct the enquiry in a separate manner, but the petitioner shall be permitted to retire from service.

Accordingly, the writ petition is disposed of with a direction to the respondents to consider the petitioner's representation dated 06.05.2016 and pass orders in line with the above direction. The said exercise shall be done within a period of one week from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gpa

To

1.The Managing Director,
Tamilnadu Housing Board, सत्यमेव जयते
331, Anna Salai, Nandanam, Chennai 35.
2.The Superintending Engineer
Chennai Region, TNHB, 331, Anna Salai,
Nandanam, Chennai 35.

1 cc to Mr.V.Anandhamoorthy, Advocate, sr.28286

1 cc to Mr.K.Munuswamy, Advocate, sr.28360

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