

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1962 of 2016

S.Krishnamoorthy

... Petitioner

Vs.

The Director of Family Welfare,
Chennai - 600 006.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of certiorarified mandamus to call for the records of the respondent relating to Ref.No.16671/FW/OP3/2009, dated 28.11.2015, Ref.No.16671/FW/OP3/2009, dated 28.11.2015 and Memo No.16671/FW/OP3/2009, dated 28.11.2015 and quash the same and direct the respondent to peacefully retire the petitioner from service on 31.11.2015 AN on attaining the age of superannuation and to forthwith disburse all the retirement and pensionary benefits with interest on the delayed payments.

For Petitioner :Mr.M.Ravi

For Respondent :Mr.A.Kumar, Spl.GP

ORDER

By way of filing this writ petition under Article 226 of the Constitution of India, the petitioner seeks to quash the impugned orders dated 28.11.2015 relating to the issuance of charge memo, suspension order and not permitting the petitioner to retire from service.

2. Heard the learned counsel appearing on either side.

3. It is seen that the petitioner was issued with a charge memo on 28.11.2015 containing certain charges. Pursuant thereto, on the same day itself, he was placed under suspension. The respondent has also passed another order dated 28.11.2015 by not permitting the petitioner to retire from service.

4. It is the contention of the learned counsel appearing for the petitioner that the crux of the allegation contained in the charge memo relating to the missing of official files. However, the same were traced-out, therefore, the respondent realising such fact, recommended to withdraw an FIR filed against the petitioner so that he may be permitted to retire from service peacefully. He has also placed on record the said proceedings dated 30.12.2015 of the respondent.

5. It is submitted by the learned counsel for the respondent that the respondent has no authority to withdraw an FIR filed against the petitioner. At this juncture, learned counsel for the petitioner, by restricting the main prayer, sought for a direction to the respondent to dispose of his pending representation dated 16.12.2015 within a time frame.

6. Therefore, taking note of the limited prayer of the petitioner, this Court, without going into the merits of the matter, directs the respondent to dispose of the representation dated 16.12.2015 of the petitioner on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order, since the petitioner has already attained the age of superannuation on 30.11.2015. With this direction, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

rkm

To

The Director of Family Welfare,
Chennai - 600 006.

+1 cc to Mr.M.Ravi, Advocate, sr.6781
+1 cc to Government Pleader, sr.6908

W.P.No.1962 of 2016

gj co
kra 12.02.2016