

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE R.SUBBIAH

Writ Petition No.6182 of 2015

M.Saradhamani

... Petitioner

Vs

1.The State of Tamil Nadu
Rep by its Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-9.

2.The Principal Secretary and Commissioner
for Revenue Administration,
Chepauk,
Chennai-5.

3.The District Collector,
Collectorate,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the 2nd respondent to pass orders on the proposal submitted by the 3rd respondent dated 22.01.2014, regarding revocation of suspension and not permitted to retire from service of the petitioner, in the light of benefits granted in favour of Thiru.S.D.Jayabalan, vide Proceedings of the 1st respondent in Letter No.2222/Ser4[2]/2010-18, dated 07.02.2013 and to sanction all terminal benefits of the petitioner.

For Petitioner : Mr.V.Ravikkumar

For Respondents : Mr.S.Gunasekar

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the 2nd respondent to pass orders on the proposal submitted by the 3rd respondent dated 22.01.2014, regarding revocation of suspension and not permitted to retire from service of the petitioner, in the light of benefits granted in favour of Thiru.S.D.Jayabalan, vide Proceedings of the 1st respondent in Letter No.2222/Ser4[2]/2010-18, dated 07.02.2013 and to sanction all terminal benefits of the petitioner.

3. It is the case of the petitioner that he was recruited as typist in the year 1982 and subsequently promoted as Assistant. While so, on attaining the age of superannuation on 30.05.2012, on the last date of his service, 3rd respondent by virtue of proceedings in ROC No.31247/2009/A.2 dated 30.05.2012, without any basis, suspended the petitioner for the contemplation of charges, as against the guideline of the Government and the petitioner was also not permitted to retire from service without framing any charges.

4. It is reliably learnt that as if the petitioner, Tmt.S.P.Karthika, formerly R.D.O., Coimbatore, Nagarajan and S.D.Jayabalan had sent belated reference to Sub-Court, without following the provisions of Section 18 of the Land Acquisition Act, in respect of land Acquisition case at Chinnavedampatti for creating tank and thereby caused loss to Government. In this regard, the petitioner and said S.D.Jayabalan were not permitted to retire from service. While so, vide proceedings of the 3rd respondent in Ref.No.31247/2011/A2 dated 20.11.2011, a detailed report was sent to the 2nd respondent after analysing the entire facts of land acquisition proceedings initiated in the year 1990 stating that if any charges are framed against the above said persons, the same will not stand before Court of Law.

5. Meanwhile, the said S.D.Jayabalan filed W.P.No.18569 of 2010 before this Court and by order dated 19.05.2010, this Court directed the Government to consider the appeal preferred by him and take a decision as to whether any proceedings are to be initiated or whether he should be permitted to retire from service and pass appropriate order within a period of 12 weeks from the date of receipt of a copy of the order. In pursuance of that, the first respondent, Government have decided to drop the disciplinary action as proposed earlier by the District Collector, Coimbatore and directed the District Collector to issue suitable instructions to revoke the order of suspension of Thiru S.D.Jayabalan, Deputy Tahsildar and allow him to retire

from service on the due date of his normal retirement on 31.12.2009 and subsequently he was sanctioned with all his terminal benefits.

6. The petitioner, who is also similarly placed person, forwarded representations dated 05.04.2013 and 08.07.2013 to the 3rd respondent to permit him to retire from service with all consequential benefits. Then, the 3rd respondent by proceedings in Na.Ka.No.31247/2009/A2 dated 22.01.2014, forwarded a detailed proposal to the 2nd respondent narrating the events of the said S.D.Jayabalan, who was permitted to retire from service and for consideration of the claim of revocation order of suspension of the petitioner. But, the petitioner has not been permitted to retire from service till date. Hence, he has come forward with the present Writ Petition.

7. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

8. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court, without going to the merits of the claim of the petitioner, directs the second respondent to pass orders on the proposal submitted by the third respondent dated 22.01.2014 regarding revocation of suspension and not permitted to retire from service of the petitioner, in the light of benefits granted in favour of Thiru S.D.Jayabalan, vide proceedings of the 1st respondent in letter No.2222/Ser4(2)/2010-18 dated 07.02.2013 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

1.The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai-9.

2.The Principal Secretary and Commissioner
for Revenue Administration,
Chepauk, Chennai-5.

3.The District Collector,
Collectorate, Coimbatore District.

+1 CC to Mr. V. Ravikumar, Advocate Sr.No.56342

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AD (CO)
MD : 1/11/2016



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