

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.Nos.27374 & 15156 of 2016

C.Karunakaran .. Petitioner in both the writ petitions

-vs-

1. The Principal District Judge &
Sessions Judge
Office of the Principal District &
Sessions Judge ..Sole Respondent in WP No.27374/16 &
Vellore ... 1st Respondent in WP No.15156/16
2. The Registrar General
High Court, Madras
(R2 suo motu impleaded as per
order dated 25.4.2016 in
W.P.No.15156 of 2016) ..2nd Respondent in WP No.15156/16

W.P.No.27374 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the concerned records from the respondent, quash the order of the respondent dated 29.07.2016 bearing DIS No.5943/2016/A as illegal, arbitrary, contrary to law and consequently direct the respondent to permit the petitioner to voluntarily retire from 01.08.2016.

W.P.No.15156 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the concerned records from the first respondent, quash the Office Memorandum of the first respondent dated 13.04.2016 bearing Dis.No.3051/2016/Shr., as illegal, arbitrary, without jurisdiction, without power and contrary to law.

For Petitioner :: Mr.Balan Haridas

For Respondent(s) :: Mr.R.Sureshkumar
in WP No.27374/16
Mr.B.Vijay in WP No.15156/16

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

Heard both sides.

2. The petitioner is working as Special Grade Junior Assistant in the Court of the Judicial Magistrate at Arakkonam. It appears that the petitioner was suspended for his unauthorised absence and challenging the order of suspension, he filed W.P.No.165 of 2014 on various grounds. In the meanwhile, he was reinstated in service and a charge memo was issued to the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules. While disposing of W.P.No.165 of 2014 by order dated 15.12.2014, this Court directed the learned Principal District Judge, Vellore to complete the proceedings and pass final orders within a period of three months from the date of receipt of a copy of the order. Thereafter, on the ground that no final orders were passed, the petitioner has sent a legal notice to the appointing authority. However, on account of insubordination and lack of absolute integrity unbecoming of a Government servant, a fresh show cause notice is said to have been issued to the petitioner. The said notice is under challenge in W.P.No.15156 of 2016. In the meanwhile, the petitioner was exonerated of all the charges. Therefore, he submitted an application on 29.4.2016 to go on voluntary retirement with effect from 1.8.2016. However, the said request was rejected by the learned Principal District Judge, Vellore vide the order dated 29.7.2016. The said order is under challenge in W.P.No.27374 of 2016. Hence both the writ petitions were directed to be listed together.

3. Since the petitioner has been exonerated of all the charges by the order of the learned Principal District Judge, Vellore dated 27.4.2016 and the notice period of ninety days for voluntary retirement is said to have been completed, to give a quietus to the issue, we direct the learned Principal District Judge, Vellore to pass orders on the application of the petitioner for voluntary retirement within a period of one month from the date of receipt of a copy of this order. With this direction, both the writ petitions are disposed of accordingly. Consequently, W.M.P.No.13200 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District Judge
Vellore
2. The Registrar General
High Court, Madras

1 cc to M/s.Balan Haridas, Advocate, sr.49798

W.P.Nos.27374 & 15156 of 2016

ak co
kra 26.09.2016



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