

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.02.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.3554 of 2016

C.Ramasamy

.. Petitioner

Vs

1. The Government of Tamil Nadu
Rep.by its Agricultural Production
Commissioner and Principal Secretary
Agricultural Department,
Fort St.George, Chennai - 9

2. The Chief Engineer,
Agricultural Engineering Department
Chennai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the petitioner's representation dated 21.12.2015 seeking permission to retire from service on his reaching the date of superannuation i.e. afternoon of 29.02.2016 pending continuance of disciplinary proceedings under Rule 9 of Tamil Nadu Pension Rules 1978.

For petitioner : Mr.I.C.Vasudevan

For respondents: Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

The writ petition has been filed by C.Ramasamy, seeking a writ of mandamus directing the first respondent to consider his representation dated 21.12.2015 seeking permission to retire from service on his reaching the date of superannuation i.e. afternoon of 29.02.2016 pending continuance of disciplinary proceedings under Rule 9 of Tamil Nadu Pension Rules 1978.

2. Originally, the petitioner was appointed as Assistant Engineer (Agricultural Engineering) under 10 (a) (i) of the Tamil Nadu State Subordinate Service Rules on 01.7.1981 and

thereafter, he was appointed in the same post by open direct recruitment selection conducted by the Tamil Nadu Public Service Commission on 07.9.1985. At present, the petitioner is working as Superintending Engineer at Salem Region. On 28.01.2014, a disciplinary proceedings in TDP Case No.8C-2013 had been initiated against the petitioner for the charge that when he was working as Executive Engineer, he was in possession of unaccounted cash of Rs.80,000/- during the review meeting on 15.4.2009 at the office of the Superintending Engineer, Agricultural Engineering, Trichy Region, Trichy, for which the petitioner was not able to account satisfactorily.

3. According to the petitioner, one K.N.Balan, who was also facing the Disciplinary Proceedings in TDP case No.16/11, was permitted to retire on reaching the age of superannuation on 31.01.2014 pending continuance of disciplinary proceedings as per Rule 9 of Tamil Nadu Pension Rules 1978 by the first respondent vide GO (3D) No.23, dated 31.01.2014. On this basis, the petitioner made a representation to the respondents requesting to extend the same benefits to him. Since no order was passed on the said representation, the petitioner has come to this Court.

4. The learned Additional Government Pleader by relying on the counter affidavit filed by the respondents, would submit that the other delinquent officers like the petitioner, namely, V.Karunanithi, Assistant Executive Engineer, K.Jeyadevan, Assistant Executive Engineer, M.A.Siddique Ali, Assistant Executive Engineer, P.Subbiah, Assistant Executive Engineer and P.K.Devarajulu, Junior Engineer, were placed under suspension on the date of retirement by invoking rule 56(1) (c) of the Fundamental Rule in view of the grave charges levelled against them except one S.Thiyagaran, Executive Engineer. He would further submit that the retirement proposal of the petitioner is under consideration of the Government in consultation with the Administrative Department i.e. Personnel and Administrative Refoms Department, Vigilance Commission and suitable orders will be issued on getting instruction after circulation.

5. Considering the fact that the other delinquents, who were also similarly placed as that of the petitioner herein, were permitted to retire from service on reaching the age of superannuation subject to the continuance of disciplinary proceedings under Rule 9 of Tamil Nadu Pension Rules 1978, the respondents are directed to consider the case of the petitioner also as per Rule 9 of Tamil Nadu Pension Rules and pass suitable orders on or before 29.02.2016 .

The writ petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ga

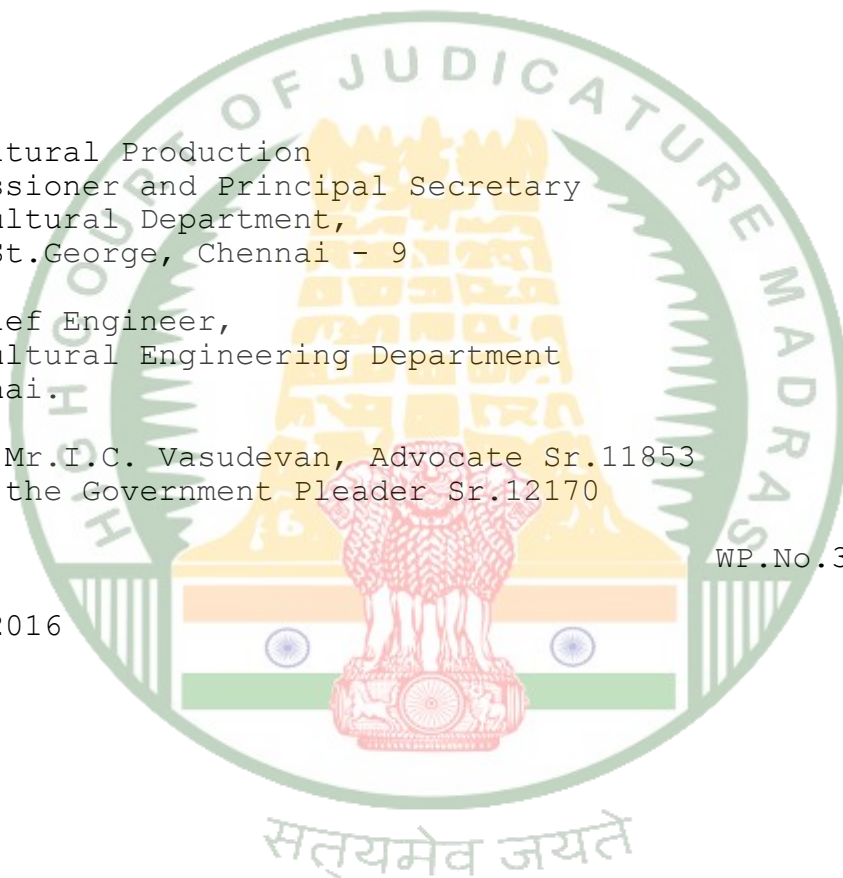
To

1. Agricultural Production
Commissioner and Principal Secretary
Agricultural Department,
Fort St.George, Chennai - 9
2. The Chief Engineer,
Agricultural Engineering Department
Chennai.

+ 1 cc to Mr.I.C. Vasudevan, Advocate Sr.11853
+ 1 cc to the Government Pleader Sr.12170

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EU 26.02.2016



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