

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.42661 of 2016
and
W.M.P.Nos.36581 & 36582 of 2016

K.Paul Kumaresan

... Petitioner

Vs.

1.The Director of Rural Development
& Panchayat Raj Department,
Panagal Building,
1.Jeens Road,
Chennai-15.

2.The District Collector,
Vellore District,
Vellore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with the orders passed by him in his Proc. Rc.No.4005/2016/PA1, dated 28.04.2016 and Rc.No.13393/2015/PA1, dated 29.04.2016 and to quash the same and to direct the respondents to retire the petitioner forthwith, with all monetary and service benefits.

For Petitioner : Mr.R.Singaravelan, Senior Counsel,
M/s.M.Srividhya

For respondents

1&2 : Mr.R.Venkatesh, Govt.Advocate

* * * * *

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with the orders passed by him in his Proc. Rc.No.4005/2016/PA1, dated 28.04.2016 and Rc.No.13393/2015/PA1, dated 29.04.2016 and to quash the same and to direct the

respondents to retire the petitioner forthwith, with all monetary and service benefits.

2-1. It is stated by the petitioner that he was selected for appointment to the post of Junior Assistant through TNPSC on merits and he joined service on 29.05.1985. Thereafter, he was promoted to the post of Rural Welfare Officer Grade-I, in the year 1995 and again, he was promoted to the post of Extension Officer on 31.12.2004. Then, he was promoted to the post of BDO in February, 2013. The petitioner was due to retire from service on 30.04.2016. While so, just on the last day of his service i.e., on 30.04.2016, the petitioner was serviced with an order of suspension dated 28.04.2016, on the allegation that he is responsible for not completing the construction of the individual toilet under the Scheme of Toilet for the Individual House Scheme. According to the petitioner, the said suspension order was issued on the basis of a bogus letter given by one Annamalai, BDO of Vallajah, by misusing the letter-pad of Vallajah Union Secretary of Consumer Protection and Public Welfare Sangam viz., K.Kuppan. Further, the petitioner was not allowed to retire from service by the impugned order dated 29.04.2016. Though the petitioner was placed under suspension with effect from 28.04.2016, he was not paid the provisional pension from the date of his suspension. Hence, the petitioner has come forward with the present writ petitioner

3. Though the writ petition is filed for a larger relief, when the matter is taken up for consideration, the learned senior counsel for the petitioner submitted that the petitioner is prepared to give a fresh representation to the 2nd respondent and if a direction is given to the 2nd respondent to consider the petitioner's representation, it would suffice.

4. Heard the learned Government Advocate appearing for the respondents also and perused the materials available on record.

5. In view of the limited scope of the prayer sought for by the learned senior counsel for the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, this Court directs the petitioner to give a fresh representation to the 2nd respondent, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the 2nd respondent is directed to consider the same and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

sd//
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssv

To

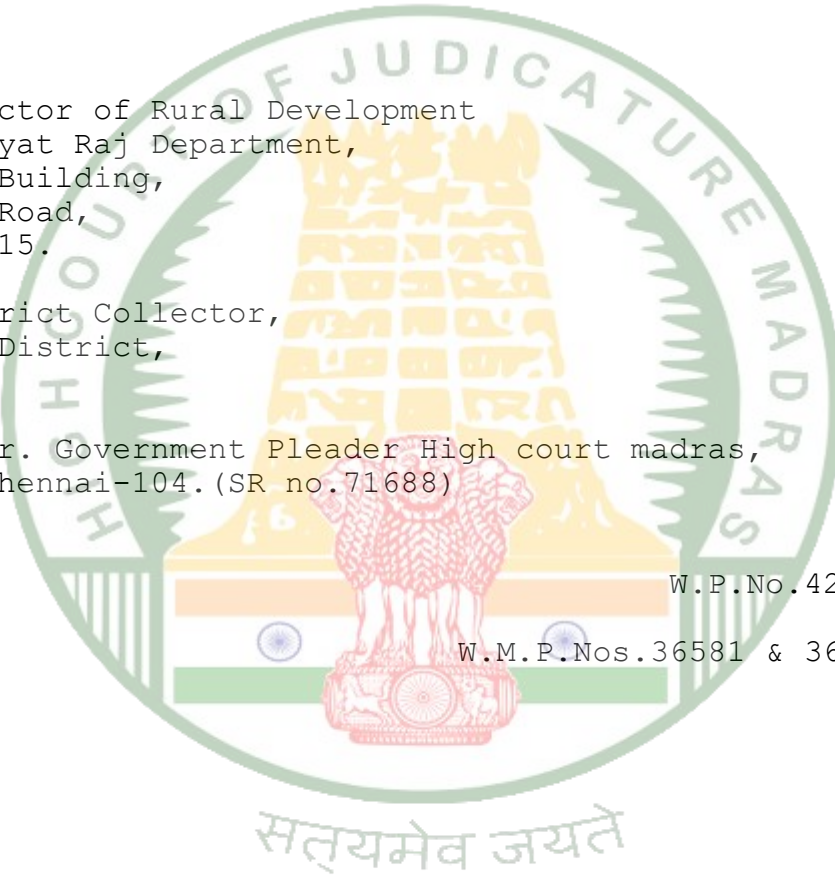
1.The Director of Rural Development
& Panchayat Raj Department,
Panagal Building,
1.Jeens Road,
Chennai-15.

2.The District Collector,
Vellore District,
Vellore.

+1 CC to Mr. Government Pleader High court madras,
chennai-104.(SR no.71688)

W.P.No.42661 of 2016
and
W.M.P.Nos.36581 & 36582 of 2016

pk
sp/9/1



WEB COPY