

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.637 of 2016
and
WMP Nos.454 & 455 of 2016

M.Radhakrishnan .. Petitioner

Vs.

- 1 The Chief Secretary to Government
St. George Fort Secretariat
Chennai-9
- 2 The Principal Secretary/
Commissioner of Revenue Administration
Chepauk Chennai-5
- 3 The Director
Adi Dravidar Welfare Department
Chennai-5
- 4 The Managing Director
Tamilnadu Civil Supplies Corporation
Chennai-10 .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of certiorarified mandamus, calling for the records in the impugned suspension order passed in G.O.(2D) No.31 Public (Special A) Department dated 28.12.2015 by the 1st respondent and consequential order of retaining the petitioner in service has been passed in G.O. (2D) No.34 Public (Special.A) Department dated 31.12.2015 by the 1st respondent herein and quash the same is illegal and consequently direct the 1st respondent to allow to retire the petitioner from the date of his superannuation.

For Petitioner : Mr.Puniyakotti
for Mr.K.Gandhi Kumar

For Respondents: Mr.A.Kumar
1-3 Special Government Pleader
For Respondent 4: Mr.K. Rahuraman

O R D E R

This writ petition has been filed by the petitioner, calling for the records in the impugned suspension order passed in G.O.(2D) No.31 Public (Special A) Department dated 28.12.2015 by the first respondent and consequential order of retaining him in service has been passed in G.O. (2D) No.34 Public (Special. A) Department dated 31.12.2015 by the first respondent herein and to quash the same as illegal. He further sought a direction to the first respondent to allow him to retire from the date of his superannuation.

2.Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing on behalf of the respondents.

3.The learned counsel for the petitioner submitted that petitioner joined in the Tamil Nadu Government Service on 27.11.1980 as Typist and further got promoted to several posts and on 13.02.2013, he was appointed as Senior Regional Manager, Tamil Civil Supplies Corporation, Nagapattinam and when he was about to retire from service on 31.12.2015, he was served with the suspension order dated 28.12.2015. He submitted that the petitioner has challenged the suspension order dated 28.12.2015 on the ground that the said order has been passed by the first respondent misconceiving as if a case has been registered against him and further the first respondent has passed a consequential order dated 31.12.2015, retaining the petitioner in service. Aggrieved over the same, the petitioner has come forward with the present writ petition.

4.The learned counsel for the respondents submitted that suspension order passed by the first respondent cannot be questioned now. He further submitted that in this regard, the petitioner has not made any representation to the respondents.

5.As rightly pointed out by the learned counsel for the respondents that suspension order passed by the first respondent cannot be questioned at this point of time but however, the petitioner is directed to make a representation to the respondents within a period of 10 days from the date of receipt of copy of the order. On receipt of such representation, the respondents shall consider the same as per the well settled legal position enunciated by the Hon'ble Apex Court in the case of Ajay Kumar Choudhary vs. Union of India through its Secretary and another passed in Civil Appeal No.1912 of 2015 dated 16.02.2015 reported in 2015 (7) SCC 291 and to take appropriate action in accordance with law.

6.With the above observation and direction, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

DP

To

- 1 The Chief Secretary to Government
St. George Fort Secretariat
Chennai-9
- 2 The Principal Secretary/
Commissioner of Revenue Administration
Chepauk Chennai-5
- 3 The Director
Adi Dravidar Welfare Department
Chennai-5
- 4 The Managing Director
Tamilnadu Civil Supplies Corporation
Chennai-10

- 1 cc to Government Pleader, Sr. 33667
1 cc to Mr.K. Gandhikumar, Advocate, sr. 33441
1 cc to Mr.K. Rahuraman, Advocate, Sr. 33864

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