



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.16944 of 2016

Mani

... Petitioner

-vs-

1. The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
2. The District Educational Officer,
Kovilpatti,
Thoothukudi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to permit the petitioner to retire from his service on attaining the age of superannuation on 29.2.2016 and consequently directing the respondents to settle the retirement benefits including the pension and all other monetary benefits with interest to the petitioner.

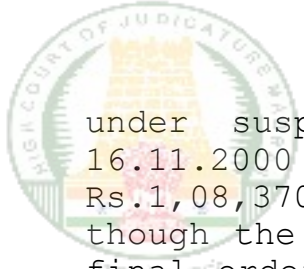
For Petitioner : Mr.S.Deenadhayalan
For Respondents: Mr.V.Pandi
Government Advocate

O R D E R

This writ petition has been filed seeking a direction to permit the petitioner to retire from service on attaining the age of superannuation on 29.02.2016 and consequently direct the respondents to settle the retirement benefits with interest.

2.Heard Mr.S.Deenadhayalan, learned counsel appearing for the petitioner and Mr.V.Pandi, learned Government Advocate who takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

3.The petitioner who was working as a Junior Assistant at V.O.C. Government Higher Secondary School, Kovilpatti, was placed



under suspension by the order of the first respondent dated 16.11.2000 alleging that the petitioner has misappropriated a sum of Rs.1,08,370/-. It is the grievance of the petitioner that even though the petitioner was placed under suspension on 16.11.2000, no final order has been passed and he was only receiving subsistence allowance. It seems that criminal proceedings have also been initiated against the petitioner at the instance of the respondents in C.C.No.14 of 2005 and the said proceedings ended in acquittal. Even though the petitioner was acquitted from the criminal proceedings, the departmental proceedings was not expedited and it is kept pending by the respondents.

4.The learned Government Advocate appearing for the respondents has produced a communication sent by the District Educational Officer to the Chief Educational Officer dated 04.08.2016, in which there is a reference about the criminal case, having ended in acquittal as well as the orders passed in the disciplinary proceedings. Stoppage of increment with cumulative effect has been ordered. There is also a recommendation to the Chief Educational Officer to permit the petitioner to retire from service with effect from 29.02.2016.

5.The learned counsel appearing for the petitioner would submit that the petitioner should be given liberty to challenge the final orders passed in the disciplinary proceedings, as he did not participate in the enquiry proceedings.

6.As the petitioner has not participated in the disciplinary proceeding and the authority has passed final orders, based upon the fact that he has paid a sum of Rs.1,08,370/-, liberty is given to the petitioner to challenge the order dated 04.08.2016.

7.Under such circumstances, the Chief Educational Officer/first respondent herein is directed to pass orders permitting the petitioner to retire from service within a period of two weeks from the date of receipt of a copy of this order and thereafter, to disburse all the eligible retirement benefits to the petitioner forthwith.

8.With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

1. The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.

2. The District Educational Officer,
Kovilpatti,
Thoothukudi District.

+ 1 CC TO Mr.S.DEENADHAYALAN, ADVOCATE IN SR No. 52001
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51946

MJ

TE/DB : 23/09/2016 : 3P/5C

W.P (MD) No.16944 of 2016
12.09.2016